

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John Baltz,

Case No. 11-cv-00170 (JRT/AJB)

Plaintiff,

v.

U.S. Bancorp d/b/a U.S. Bank,

**Index to Appendix to
U.S. Bank's Memorandum of Law
in Support of Its Motion for
Summary Judgment**

Defendant.

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	Page 2		Page 4
1	APPEARANCES	1	* * *
2		2	I N D E X
3		3	DEPOSITION EXHIBITS
4	MR. THOMAS J. LYONS, Attorney	4	
5	at Law, 367 Commerce Court, Vadnais Heights,	5	Exhibit
6	Minnesota 55127 appeared by telephone on	6	Page
7	behalf of named Plaintiff.	7	No. 1
8		8	13
9		9	No. 2
10	MS. ELLEN B. SILVERMAN, Attorney	10	18
11	at Law, 90 South Seventh Street, Suite 2200,	11	No. 3
12	Minneapolis, Minnesota 55402 appeared on	12	31
13	behalf of named Defendant.	13	No. 4
14		14	40
15	Also Present: Thomas Lyons, Jr.	15	No. 5
16		16	53
17		17	No. 6
18		18	55
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5
1	* * *	1	P R O C E E D I N G S
2	I N D E X	2	
3	EXAMINATION	3	JOHN BALTZ
4		4	
5		5	A witness in the above-entitled action,
6	By Ms. Silverman	5	after having been first duly sworn, testifies
7	By Mr. Lyons	6	and says as follows:
8		7	
9	* * *	8	
10	INSTRUCTIONS NOT TO ANSWER	9	EXAMINATION
11	(NO INSTRUCTIONS WERE GIVEN)	10	
12		11	BY MS. SILVERMAN:
13		12	Q. Good Morning, Mr. Baltz. My name is Ellen
14		13	Silverman. We met earlier. I am an attorney
15		14	with Faegre Baker Daniels in Minneapolis and
16	* * *	15	we are representing U.S. Bank here today. I
17	REQUEST FOR PRODUCTION OF DOCUMENTS/INFORMATION	16	am sorry to drag you up here from Florida
18		17	given the weather.
19	(NO REQUESTS WERE MADE)	18	I want to go over some ground rules. I
20		19	don't know if you have had your deposition
21		20	taken before. I will ask you that a minute,
22	* * *	21	but it's real important that you listen to my
23	REFERENCE INDEX	22	questions. The court reporter writes down
24	(ATTACHED TO BACK OF TRANSCRIPT)	23	everything that we say, so please wait until
25		24	I am finished asking a question before you
		25	answer.

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<p>1 It's important that you give a verbal 2 answer to everything. If you want to take a 3 break at any time, let me know. If you don't 4 understand my question, just ask me to 5 rephrase it and I am happy to do that. 6 Do you have any questions? 7 A. No. 8 Q. Have you ever had your deposition taken 9 before? 10 A. No. 11 Q. Mr. Baltz, can you tell me your date of 12 birth? 13 A. 10/7/70. 14 Q. And where were you born? 15 A. Albert Lea, Minnesota. 16 Q. Where do you currently live? 17 A. Boca Raton, Florida. 18 Q. And how long have you lived in Boca Raton? 19 A. The last year or two years. 20 Q. So 2010? 21 A. Yes. 22 Q. Where did you live before 2010? 23 A. I lived in Boca, just a different address. 24 Q. And how long did you live -- what address was 25 that?</p>	<p>1 A. I moved to Florida in '90. 2 Q. And have you lived continuously in Florida 3 since 1990? 4 A. I did move away from Florida for four years. 5 I was working with the Marriott. I 6 transferred within the Marriott out to Vale, 7 Colorado as a promotion and after being there 8 for a few years I missed the warm weather of 9 Florida and moved back. 10 Q. So since 1990 it's fair to say that you have 11 lived in Florida and Vale? 12 A. Yes. 13 Q. Perfect. Are you married? 14 A. No. 15 Q. Do you have any children? 16 A. Three children. 17 Q. Can you tell me their ages approximately? 18 A. Four, two and 5 months. 19 Q. Do your children live at your current address 20 on Consolata with you? 21 A. Yes. 22 Q. And does anyone else live at that address? 23 A. Yes. 24 Q. Who would that be? 25 A. Mirllana.</p>
<p>1 A. I lived at -- now at 6962 Consolata Street. 2 The previous address was -- hold on one 3 second. 4 Q. If you don't remember the address, that's 5 fine. 6 A. It's 5901 Town Bay Drive and that was 7 Apartment 817, Boca Raton, Florida 33486. 8 Q. And how long did you live on Town Bay Drive? 9 A. One year. 10 Q. Where did you live before you lived on Town 11 Bay Drive? 12 A. In an apartment off of Cypress Creek in 13 Pompano Beach, Florida. 14 Q. How long did you live at that address? 15 A. One year. 16 Q. You move a lot. 17 A. That's why I'm -- I would like to buy a house 18 and this is one of the reasons I am trying to 19 do what I am doing. 20 Q. And where did you live before you lived in 21 Pompano Beach? 22 A. Back in Boca on Spanish River Avenue or 23 Boulevard. 24 Q. Let's make this simple, when did you first 25 move to Florida?</p>	<p>1 Q. Can you spell that for the court reporter? 2 A. M-I-R-L-A-N-A, Patricia Hidalgo. 3 Q. Is Mirllana your girlfriend? 4 A. Yes, the mother of the three children. 5 Q. Thank you. I was going to ask you that, so 6 thanks. 7 I have to ask you a series of questions 8 that might be perceived as a little 9 offensive, so I apologize in advance. 10 Have you ever been convicted of a crime? 11 A. Yes. 12 Q. Can you tell me what crime and when? 13 A. A DUI in 2005. 14 Q. Anything else? 15 MR. LYONS: I think I am going to 16 object to the question about a crime. I'm 17 wondering whether or not it would have to be 18 more specific than that. I am going to 19 instruct him to not answer to all the driving 20 offenses that may or may not have occurred. 21 BY MS. SILVERMAN: 22 Q. Apart from any driving offenses, have you 23 ever been convicted of any other type of 24 crime? 25 A. One disorderly conduct.</p>

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<p>1 Q. And approximately when was that? 2 A. It was in 2006, right around there. 3 Q. Have you ever been a plaintiff suing someone 4 in another lawsuit besides this one? 5 A. Never, no. 6 Q. And have you ever been a defendant in a 7 lawsuit, someone suing you? 8 A. No. 9 Q. And have you ever declared bankruptcy? 10 A. No. 11 Q. Those are all the bad questions. 12 A. Okay. 13 Q. Are you currently employed? 14 A. Yes. 15 Q. Where do you work? 16 A. Marine Max. 17 Q. And what is Marine Max? 18 A. It's a boat retailer. They sell Sea Rays, 19 Boston Whalers, Makos, Azimuts, Cabos. They 20 have 57 stores nationwide, so I am in one of 21 the locations in Pompano Beach. 22 Q. And how long have you worked for Marine Max? 23 A. Over a year. 24 Q. And did you have a job before that? 25 A. Yes.</p>	<p>1 Minnesota? 2 A. It was a job that was on the road. They 3 acquired the job that did the merger between 4 Nation's Bank and Bank of America, so we had 5 to travel to all the locations nationwide and 6 change out their marketing materials. I was 7 living at my address in Florida, the condo I 8 owned, and flying to the locations where we 9 had to work. 10 Q. Let's talk about your education for a minute. 11 Did you graduate from high school? 12 A. Yes. 13 Q. Where did you graduate from? 14 A. Brainerd High School. 15 Q. And that's in Brainerd, Minnesota? 16 A. Yes. 17 Q. Thank you. What year did you graduate? 18 A. '89. 19 Q. '89? 20 A. Yes. 21 Q. Did you attend any sort of schooling after 22 high school? 23 A. I went to two years at Brainerd Community 24 College. 25 Q. Did you major in anything or specialize in</p>
Page 11	Page 13
<p>1 Q. And where did you work before that? 2 A. I have held a position with a real estate 3 company, Bob Wyman Real Estate and also 4 Lauderdale Marina. 5 Q. Before you were with Bob Wyman Real Estate 6 and Lauderdale Marina, did you have a job 7 before that? 8 A. Of course. 9 Q. What did you do? 10 A. I worked for a real estate company then, 11 Ocean Paradise Realty. 12 Q. And when you say you worked for a real estate 13 company, I am assuming you were a real estate 14 agent. 15 Is that correct? 16 A. Yes. 17 Q. What did you do before you were a realtor for 18 Ocean Paradise? 19 A. I worked for a company out in Minneapolis 20 here. 21 Q. And what company was that? 22 A. It was John Ryan Performance, a marketing 23 company. 24 Q. And where was that job based? Were you in 25 Florida doing that job or were you here in</p>	<p>1 any kind of study in particular? 2 A. I was going to school for hospitality 3 management. I transferred from there down to 4 a school in Florida. 5 Q. Would that be in 1990? 6 A. Yes. 7 Q. What was the name of the school you 8 transferred to? 9 A. St. Leo College. 10 Q. And did you graduate from there? 11 A. No, I did not. 12 Q. What did you do to prepare for your 13 deposition today? 14 A. Flew up here. 15 Q. That's fair. Did you review any documents at 16 all? 17 A. You know, just the documents that I have 18 signed and prepared on the Complaint. 19 Q. Okay. I am actually going to show you the 20 Complaint now. 21 22 (Deposition Exhibit No. 1 marked for the 23 record) 24 25</p>

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<p style="text-align: right;">Page 14</p> <p>1 BY MS. SILVERMAN:</p> <p>2 Q. I am handing you what's been marked as Baltz</p> <p>3 Exhibit 1. This is a copy of your Complaint.</p> <p>4 I would like, if you could, to turn to</p> <p>5 Page 7 and confirm that that is your</p> <p>6 signature on Page 7.</p> <p>7 A. Yes, it is.</p> <p>8 Q. Do you remember reading this Complaint before</p> <p>9 you signed it?</p> <p>10 A. Yes, I did.</p> <p>11 Q. We're going to look at some of the factual</p> <p>12 allegations and I am going to ask you</p> <p>13 probably the same questions.</p> <p>14 Can you look at No. 5 for me and can you</p> <p>15 tell me if this statement on No. 5 is true?</p> <p>16 A. Yes.</p> <p>17 Q. And how do you know that that's true?</p> <p>18 A. She -- I have been very close with my great</p> <p>19 aunt for all my life and so she's been there</p> <p>20 for us and not only me, my brothers and my</p> <p>21 family.</p> <p>22 Q. And so did she tell you at some point that</p> <p>23 she obtained a credit card from U.S. Bank?</p> <p>24 A. Yes.</p> <p>25 Q. Can you take a look at No. 6 for me, please?</p>	<p style="text-align: right;">Page 16</p> <p>1 do you remember where it was mailed to, what</p> <p>2 address?</p> <p>3 A. To 1535 Southeast 15th Street, Fort</p> <p>4 Lauderdale, Florida 33316.</p> <p>5 Q. So the credit card that you received from</p> <p>6 U.S. Bank was mailed to your address in Fort</p> <p>7 Lauderdale?</p> <p>8 A. By Mary.</p> <p>9 Q. That's what I wanted to know.</p> <p>10 A. Right.</p> <p>11 Q. Then would it be safe to say that Mary</p> <p>12 received the card with your name on it from</p> <p>13 U.S. Bank and she mailed it to you?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember approximately when that was?</p> <p>16 A. I don't.</p> <p>17 Q. Was it in the 1990s? Was it in the 2000s?</p> <p>18 A. I would say 2000s.</p> <p>19 Q. Okay. I want you to take a look at No. 13</p> <p>20 and read that and let me know if that's a</p> <p>21 true statement and, again, how do you know</p> <p>22 that that's true?</p> <p>23 A. It was her individual account. This is</p> <p>24 saying that upon information and belief -- I</p> <p>25 wrote them a letter stating that this was not</p>
<p style="text-align: right;">Page 15</p> <p>1 I am going to ask you again while you're</p> <p>2 reading this if this is true and how do you</p> <p>3 know that that's true?</p> <p>4 A. I know this is true because after this she</p> <p>5 received a letter from U.S. Bank and asked if</p> <p>6 anyone else can -- would like to be on there,</p> <p>7 if she wanted anyone else to be on the</p> <p>8 account, and that's when she put me and my</p> <p>9 brother on there.</p> <p>10 Q. When you say she, you're referring to Mary</p> <p>11 Patterson?</p> <p>12 A. Yes.</p> <p>13 Q. I just wanted that to be clear for the</p> <p>14 record.</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. The same question for No. 8 and</p> <p>17 how do you know that that's true if it indeed</p> <p>18 is true?</p> <p>19 A. Both my brother and I received credit cards</p> <p>20 from U.S. Bank mailed to us.</p> <p>21 Q. And when you received the credit cards did --</p> <p>22 I will only ask you about your's, did it have</p> <p>23 your name on it?</p> <p>24 A. Yes.</p> <p>25 Q. When you say you received it mailed to you,</p>	<p style="text-align: right;">Page 17</p> <p>1 mine, that I was an authorized user and that</p> <p>2 this was Mary Patterson's individual account.</p> <p>3 Q. How about this last one, how about No. 18,</p> <p>4 can you read that for me on Page 3 and tell</p> <p>5 me if that's a true statement and how you</p> <p>6 know that that's true?</p> <p>7 A. Prior to the bankruptcy Mary never once</p> <p>8 received any bill or letter with my name on</p> <p>9 this account or my brother's. The only time</p> <p>10 we ever received anything was after the</p> <p>11 bankruptcy with my name on one bill, one</p> <p>12 letter.</p> <p>13 Q. Okay. Thank you. Let's just focus on the</p> <p>14 U.S. Bank credit card account.</p> <p>15 Did you personally ever open an account</p> <p>16 with U.S. Bank, credit card account?</p> <p>17 A. No.</p> <p>18 Q. But you testified that your Aunt Mary sent</p> <p>19 you a credit card with your name on it from</p> <p>20 U.S. Bank, right?</p> <p>21 A. Correct.</p> <p>22 Q. Do you know approximately when Mary Patterson</p> <p>23 opened the account with U.S. Bank?</p> <p>24 A. I think around '88.</p> <p>25 Q. And do you know where Mary was living at the</p>

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<p style="text-align: right;">Page 18</p> <p>1 time that she opened the account with U.S. 2 Bank? 3 A. 1620 West Highway 36 in Roseville, Minnesota. 4 Q. And does Mary still at that address? 5 A. Yes. 6 Q. Have you ever lived at that address? 7 A. No. 8 9 (Deposition Exhibit No. 2 marked for 10 identification) 11 12 BY MS. SILVERMAN: 13 Q. Now, I think you said earlier that you got 14 the card from U.S. Bank in the 2000s at some 15 point? 16 A. Right. 17 Q. Did you use the card? 18 A. Yes. 19 Q. What generally kinds of charges did you use 20 the card for? 21 A. Pretty much every day living, whatever I 22 needed it for. 23 Q. I am going to hand you what the court 24 reporter has marked as Exhibit 2. These are 25 statements from U.S. Bank on account number</p>	<p style="text-align: right;">Page 20</p> <p>1 card on this account who lived in Minnesota 2 at this time? 3 A. Yes. 4 Q. I believe you stated earlier that your 5 brother Patrick also got a card on this 6 account. 7 Is that right? 8 A. Yes. 9 Q. Do you know where Patrick lived in the 2000s? 10 A. He lived at 1535 Southeast 15th Street in 11 Fort Lauderdale. 12 Q. So Patrick lived with you? 13 A. Yes. 14 Q. How long did Patrick live with you throughout 15 the 2000s? Was it the whole time? 16 A. The whole time. 17 Q. Thank you. That made it easier. 18 Can you look at USB/Baltz 95 for me 19 please? There are a series of charges on 20 this page from Saint Paul, Roseville, Vadnais 21 Heights, I always pronounce that incorrectly. 22 Are these charges that you made on this 23 account? 24 A. No. 25 Q. Tell me about your relationship with your</p>
<p style="text-align: right;">Page 19</p> <p>1 ending in 2818. 2 Have you ever seen these statements 3 before? 4 A. I have never seen any statements. 5 Q. I want you to take a look at page -- all the 6 pages are marked at the bottom with a number 7 because we produced them to your counsel and 8 we put a number on them to identify them, so 9 I would like you to look at USB/Baltz 105 for 10 me. There are charges listed on here from 11 Fort Lauderdale, Boca Raton, Hollywood, West 12 Palm Beach, Dania, Florida? 13 A. Right. 14 Q. Are these all charges that you would have 15 made on this account? 16 A. Yes. 17 Q. Now, there's also a charge on here on the 18 same statement, which is July 3rd, 2004, 19 through August 3rd, 2004, for Saint Patrick's 20 Guild in Saint Paul, Minnesota. 21 Is that a charge you would have made? 22 A. No. 23 Q. Do you know who would have made that charge? 24 A. I imagine my great aunt. 25 Q. Was your great aunt the only person who had a</p>	<p style="text-align: right;">Page 21</p> <p>1 Aunt Mary? When's the last time you saw her? 2 A. This morning. 3 Q. I knew you were going to say that. 4 How often would you say you see each other 5 in the course of a year? 6 A. It's been less now that I have children. In 7 the past it was quite a bit. She would come 8 down and stay with me for an extended period 9 of time, a month or two months. 10 Q. Now that you don't see her as much, do you 11 talk to her more on the phone? 12 A. Yes. 13 Q. How often would you say you speak to her? 14 A. Every other day at least, daily. 15 Q. Have you spoken to your Aunt Mary about this 16 lawsuit? 17 A. Yes. 18 Q. Can you tell me what your conversations about 19 this lawsuit have been about? 20 A. You know, just more or less arrangements and 21 getting up here and the way -- first I guess 22 to start off it was trying to find someone to 23 help me with this case since her bankruptcy 24 and how to handle it because we kept on 25 getting bills at her house.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. Has the conversation changed more 2 recently? 3 A. No. 4 Q. Looking back at the statements, you will see 5 that there are payments made to U.S. Bank on 6 various statements and just generally 7 speaking have you ever made a payment to U.S. 8 Bank on this account? 9 A. No. I attempted and they would not allow me. 10 Q. So if payments were made on this account 11 shown on the statements, they would have been 12 made by Aunt Mary? 13 A. Yes. 14 Q. Did you make payments to your Aunt Mary? 15 A. Yes. 16 Q. Did you make payments to your Aunt Mary on a 17 monthly basis or a semi-monthly basis, yearly 18 basis? How did that work? 19 A. When I would have money to send her. It 20 wasn't on an annual or monthly. It was 21 really when I was -- I had money saved up I 22 was able to repay her. 23 Q. So Aunt Mary didn't take the statement and 24 figure out which charges were your's and 25 which charges were her's and send you a</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. When was that? 2 A. After the bankruptcy. 3 Q. And how did you find that out? 4 A. She was receiving bills in my name. 5 Q. So Mary was receiving statements at her house 6 that had your name on them? 7 A. Yes. 8 Q. So, for example, if you look at USB/Baltz 9 No. 1, your name is on the statement, 10 correct? 11 A. Yes. 12 Q. At the address in Roseville, right? 13 A. Yes. 14 Q. But you didn't live at that address? 15 A. No. 16 Q. Now, if you turn in the statements to, let's 17 say, USB/Baltz 105 again, do you see that the 18 statement there is addressed to Mary 19 Patterson and yourself in Roseville? 20 A. Yes. 21 Q. At the time of the statement in July 3rd, 22 2004 to August 3rd, 2004, did you know that 23 the statement was addressed to both and you 24 Aunt Mary? 25 A. No.</p>
<p style="text-align: right;">Page 23</p> <p>1 letter in the mail or something and say here 2 is what you owe? 3 A. No. 4 Q. Did Aunt Mary ever ask you to make payments 5 to her or did you just decide that you were 6 going to pay her on your own? 7 A. It was an agreement we had. 8 Q. And was the agreement that you would pay her 9 back for all the charges or just what you 10 could pay? 11 A. What I could pay. 12 Q. And when you paid Aunt Mary did you send her 13 a check? 14 A. Yes. 15 Q. All right. It's your contention that you are 16 an authorized user on this account, right? 17 A. Right. 18 Q. At some point did you find out that U.S. Bank 19 considered you a joint account holder and not 20 an authorized user on the account? 21 A. Not -- actually not until after the 22 bankruptcy. 23 Q. But at some point that's kind of what I want 24 to know? 25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Do you remember when approximately Aunt Mary 2 declared bankruptcy? 3 A. 2005. 4 Q. And you said that after she declared 5 bankruptcy in 2005 you found out that U.S. 6 Bank considered you a joint holder on the 7 account? 8 A. Yes. 9 Q. And you discovered that because statements 10 were being mailed to Aunt Mary in just your 11 name? 12 A. Right. Everything else that she went through 13 bankruptcy on had been charged off and this 14 one account kept on coming to her address in 15 my name. 16 Q. So did Aunt Mary tell you that the statements 17 were coming to her address in your name? 18 A. Yes. 19 Q. And what did you do in response to that? 20 A. I contacted her bankruptcy attorney. 21 Q. And what did you ask him or her to do? 22 A. For direction on what to do. I ended up 23 sending letters to U.S. Bank and also 24 letters of -- letters to all the credit agencies myself.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Do you have copies of any of the letters that 2 you sent at that time to either U.S. Bank or 3 the credit agencies?</p> <p>4 A. I do.</p> <p>5 Q. Have you given copies of those letters to 6 your attorneys?</p> <p>7 A. Yes.</p> <p>8 MS. SILVERMAN: Tom, have those 9 letters been produced?</p> <p>10 MR. LYONS: I believe they have. 11 We produced all the documents that we 12 received. I am not sure exactly how many 13 letters he wrote, but I have seen letters. 14 They are not in front of me right now.</p> <p>15 MS. SILVERMAN: Okay. That's 16 fine. If I have them, I will talk about them 17 later. We'll see.</p> <p>18 MR. LYONS: All right.</p> <p>19 BY MS. SILVERMAN:</p> <p>20 Q. Do you know how many letters you sent to U.S. 21 Bank?</p> <p>22 A. I sent an envelope with one statement with 23 her name on them. I sent him -- I sent them 24 a letter explaining that it was not my 25 account and it was just all enclosed in an</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. When you spoke to U.S. Bank daily, that was 2 in 2005?</p> <p>3 A. Yes.</p> <p>4 Q. Did you take --</p> <p>5 A. Through -- I mean for many years they called, 6 so it wasn't just 2005.</p> <p>7 Q. Okay. So when U.S. Bank called in 2005 and 8 forward, can you tell me approximately how 9 often you would get a phone call?</p> <p>10 A. Really daily and not only me, but my mother. 11 They called my mother, you know. They were 12 calling my cell phone and harassing her.</p> <p>13 Q. So that's what I was going to ask you next. 14 When U.S. Bank called you, let's start in 15 2005, do you know what phone number they were 16 calling?</p> <p>17 A. One was probably my mom's and the other was 18 my cell phone.</p> <p>19 Q. Do you know how U.S. Bank got your cell phone 20 number?</p> <p>21 A. No.</p> <p>22 Q. Did you ever give them your cell phone 23 number?</p> <p>24 A. No.</p> <p>25 Q. Did you ever give U.S. Bank your mother's</p>
<p style="text-align: right;">Page 27</p> <p>1 envelope directly to U.S. Bank and then the 2 same -- the same ones to the credit agencies.</p> <p>3 Q. So it was one letter with all the supporting 4 documentation to U.S. Bank?</p> <p>5 A. Correct.</p> <p>6 Q. Did you receive a response from U.S. Bank?</p> <p>7 A. No. I received many calls, just collection 8 calls.</p> <p>9 Q. But no written response?</p> <p>10 A. (Witness shakes head.)</p> <p>11 Q. You have to say yes or no.</p> <p>12 A. No.</p> <p>13 Q. Besides the one letter that you wrote to U.S. 14 Bank in 2005, did you call U.S. Bank?</p> <p>15 A. I talked to them. I never -- I talked to 16 them almost daily when they called me.</p> <p>17 Q. So you spoke to U.S. Bank about this in 18 response to -- in connection with them 19 calling you, but you didn't actually initiate 20 a call to them?</p> <p>21 A. I called them initially to find out where I 22 had to mail them and talk to them and 23 complain about this and then I sent them out.</p> <p>24 Q. The letter that you spoke about earlier?</p> <p>25 A. Right, yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 phone number?</p> <p>2 A. No.</p> <p>3 Q. Did you at any point in time live in your 4 mother's house, besides when you were a child 5 in Minnesota?</p> <p>6 A. No.</p> <p>7 Q. And where does your mom live?</p> <p>8 A. She lives in Deerfield Beach.</p> <p>9 Q. Has she lived in Deerfield Beach for the last 10 ten years?</p> <p>11 A. No.</p> <p>12 Q. Your mom currently lives in Deerfield Beach?</p> <p>13 A. Yes.</p> <p>14 Q. Where did she live before she lived in 15 Deerfield Beach?</p> <p>16 A. Pompano Beach.</p> <p>17 Q. And do you know when she moved from Pompano 18 Beach to Deerfield Beach?</p> <p>19 A. Approximately five or six years ago, six 20 years ago.</p> <p>21 Q. Do you know when she moved to Pompano Beach?</p> <p>22 A. Not exactly.</p> <p>23 Q. Was it in the 2000s or before?</p> <p>24 A. I would say '99.</p> <p>25 Q. And did she move from Minnesota?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Now, when you spoke to or when you received 3 phone calls from U.S. Bank, did you answer 4 those phone calls?</p> <p>5 A. Yes.</p> <p>6 Q. And did you speak to a representative from 7 U.S. Bank?</p> <p>8 A. Every time.</p> <p>9 Q. And what did the person from U.S. Bank say to 10 you?</p> <p>11 A. It was a lot of times very rude and just 12 saying -- trying to collect money, trying to 13 arrange and I explained that I have -- you 14 know, this wasn't my account. I just 15 explained that I sent them information 16 showing them it wasn't my account and they 17 just kept on demanding money and kept on 18 calling.</p> <p>19 Q. Did you ever take handwritten notes of 20 conversations with anybody at U.S. Bank?</p> <p>21 A. No.</p> <p>22 Q. Do you remember any of the names of people 23 you spoke to?</p> <p>24 A. I don't.</p> <p>25</p>	<p style="text-align: right;">Page 32</p> <p>1 Do you recognize the handwriting?</p> <p>2 A. I believe it's my Aunt Mary's.</p> <p>3 Q. Do you recall receiving this letter from U.S. 4 Bank?</p> <p>5 A. I received it from my aunt.</p> <p>6 Q. So your aunt received the letter and then she 7 sent it to you?</p> <p>8 A. Right.</p> <p>9 Q. Do you know if once you read the letter what 10 your understanding of the letter was? Do you 11 remember?</p> <p>12 A. More or less that, you know, this was the 13 letter that when she -- I asked her to send 14 me all the information she could on the 15 account so I could send it to all the credit 16 agencies.</p> <p>17 Q. This is the letter that she sent you?</p> <p>18 A. This is the letter she sent me.</p> <p>19 Q. So when you received this letter from Aunt 20 Mary, you then took this letter and other 21 documents and sent them to U.S. Bank?</p> <p>22 A. Right.</p> <p>23 Q. And in your cover letter to U.S. Bank, this 24 would be back in 2005, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 (Deposition Exhibit No. 3 marked for 2 identification)</p> <p>3</p> <p>4 BY MS. SILVERMAN:</p> <p>5 Q. I am handing you what's been marked as Baltz 6 Exhibit 3 and these are Initial Disclosures 7 that your attorney provided to us and I would 8 like you to take a look at the document and 9 it has some attachments as well, so just take 10 a minute to look through that for me.</p> <p>11 Attached to the disclosures are 15 pages 12 of documents labeled Plaintiff 1 through 15. 13 Now, I will represent to you that these are 14 the only documents that we have received from 15 your attorneys in connection with this lawsuit.</p> <p>16 Do you have any other documents that you 17 know of that are not attached to these 18 disclosures?</p> <p>19 A. Not that I know, no.</p> <p>20 Q. Let's look at No. 15, which is a letter from 21 U.S. Bank to Mary and you dated June 28th, 22 2005.</p> <p>23 My first question is there's an asterisk 24 and some handwritten notation on the letter.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Do you see the cover letter to U.S. Bank in 2 these documents that are attached to the 3 disclosures?</p> <p>4 A. It was the same letter, but it's -- but 5 basically I just -- this is the same letter 6 right here on Page 13.</p> <p>7 Q. But this is not the same letter because --</p> <p>8 A. It's a different address, right. I updated 9 the address.</p> <p>10 Q. So, in other words, I don't want to testify 11 for you, so Plaintiff 13 is a copy of a 12 letter that you would have sent to U.S. Bank 13 in 2005?</p> <p>14 A. Yes.</p> <p>15 Q. But you don't have that original letter from 16 2005?</p> <p>17 A. No.</p> <p>18 Q. Okay. Thank you. I was a little confused 19 because Plaintiff 13 is dated, so I didn't 20 know when you sent that to U.S. Bank.</p> <p>21 A. Right.</p> <p>22 Q. So the Town Bay Drive address on Plaintiff 13 23 is what leads you to believe that this is a 24 copy of a letter that was sent later in time 25 and not 2005.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Is that correct?</p> <p>2 A. It was the same letter I sent to the -- all 3 the credit agencies and U.S. Bank with this 4 attachment. It was these pages right here, 5 these three pages.</p> <p>6 Q. Plaintiff 13, Plaintiff 14 and Plaintiff 15?</p> <p>7 A. Yes.</p> <p>8 Q. So plaintiff 13, 14 and 15 were sent to U.S. 9 Bank at some point in 2005?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know if after receiving Plaintiff 15, 12 do you know if your Aunt Mary contacted U.S. 13 Bank?</p> <p>14 A. I don't know, no.</p> <p>15 Q. You don't know?</p> <p>16 A. I don't know.</p> <p>17 Q. That's fine.</p> <p>18 Now, you testified a little while ago that 19 you got daily phone calls from U.S. Bank 20 beginning in 2005, right?</p> <p>21 A. Yes.</p> <p>22 Q. Have those phone calls ended? Do you still 23 get daily phone calls from U.S. Bank?</p> <p>24 A. No.</p> <p>25 Q. Do you know when those phone calls stopped</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Do you know how many phone calls your mom 2 received?</p> <p>3 A. Several.</p> <p>4 Q. By several do you know how many several is?</p> <p>5 A. Well, she was going through chemotherapy 6 right then. She had cancer and this was 7 really making her upset where she was getting 8 daily phones and she was calling me on this.</p> <p>9 Q. Do you remember back to approximately when 10 the phone calls to your mom -- let's just 11 start with phone calls to your mom, when did 12 they start?</p> <p>13 A. I would have to say around 2006.</p> <p>14 Q. How often was your mom receiving phone calls 15 from U.S. Bank?</p> <p>16 A. I would say a few times a day it went on and 17 she kept on explaining that I didn't live 18 there and they kept on calling her at least 19 once a day.</p> <p>20 Q. So once a day for how long?</p> <p>21 A. It was over, I would say, at least a two-year 22 period where she was receiving phone calls.</p> <p>23 Q. And was she receiving those phone calls every 24 day for a two or three year period?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 coming?</p> <p>2 A. 2007 or 2008, right around there.</p> <p>3 Q. So from 2005 until 2007 or 2008 you got daily 4 phone calls from U.S. Bank?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember the phone number that you 7 received those phone calls at?</p> <p>8 A. No.</p> <p>9 Q. And was it both your home phone and your cell 10 phone?</p> <p>11 A. It was just my cell and my mom's. I know her 12 number, but I don't recall my cell phone 13 number.</p> <p>14 Q. Can you tell me your mom's phone number?</p> <p>15 A. 954-428-2060.</p> <p>16 Q. I just want to be super clear on this. Did 17 you receive daily calls on your cell phone 18 from 2005 through 2007 or 2008?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know, did your mom receive daily phone 21 calls from U.S. Bank between 2005 and 2007 on 22 the 954-428-2060 number?</p> <p>23 A. Her's started a little bit later.</p> <p>24 Q. Do you know when her's started?</p> <p>25 A. Not right offhand. Not an exact date.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Did you ever receive phone calls or letters 2 from someone other than U.S. Bank telling you 3 that you owed money on this account?</p> <p>4 A. My Aunt Mary.</p> <p>5 Q. Besides your Aunt Mary, I mean someone 6 outside of the family?</p> <p>7 A. No.</p> <p>8 Q. Okay. Thank you.</p> <p>9 So you testified that your mom received 10 phone calls and you received phone calls?</p> <p>11 A. Yes.</p> <p>12 Q. Anyone else in your family that received 13 phone calls about the U.S. Bank account?</p> <p>14 A. No.</p> <p>15 Q. Now, back in 2006 when your mom received 16 phone calls on the U.S. Bank account, where 17 was she living?</p> <p>18 A. In Deerfield Beach.</p> <p>19 Q. And where were you living at that time?</p> <p>20 A. I was living in Boca.</p> <p>21 Q. In 2006 how often would you say you saw your 22 mom?</p> <p>23 A. Daily or talking to her daily. I would see 24 her once every couple of days.</p> <p>25 Q. How would you characterize your relationship?</p>

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<p>1 Were you close?</p> <p>2 A. Very close.</p> <p>3 Q. How about today, how would you characterize</p> <p>4 your relationship with your mom?</p> <p>5 A. Very close.</p> <p>6 Q. Have you ever spent any length of time out of</p> <p>7 the United States, more than a month?</p> <p>8 A. Yes.</p> <p>9 Q. When was that?</p> <p>10 A. It was between 2005 and 2006.</p> <p>11 Q. And where were you living?</p> <p>12 A. Costa Rica.</p> <p>13 Q. Can you pinpoint for me approximately when</p> <p>14 that was? Can you pinpoint that a little bit</p> <p>15 more?</p> <p>16 A. I would have to look back at dates. I am not</p> <p>17 sure exactly.</p> <p>18 Q. What were you doing in Costa Rica?</p> <p>19 A. I moved over there for a job. It didn't work</p> <p>20 out, so I moved back.</p> <p>21 Q. And how long were you there?</p> <p>22 A. For about three months.</p> <p>23 Q. Let's switch gears and talk about credit</p> <p>24 history.</p> <p>25 Have you ever requested your credit report</p>	<p>1 (Deposition Exhibit No. 4 marked for</p> <p>2 identification)</p> <p>3</p> <p>4 BY MS. SILVERMAN:</p> <p>5 Q. I am handing you what's been marked as</p> <p>6 Exhibit 4 which for the record is a</p> <p>7 November 2, 2006 Experian credit report</p> <p>8 prepared for you, John Baltz.</p> <p>9 Do you remember when you requested this</p> <p>10 report?</p> <p>11 A. Not exactly.</p> <p>12 Q. Do you know why you requested the report?</p> <p>13 A. From the charge for U.S. Bank.</p> <p>14 Q. If you look at the report, do you see the</p> <p>15 U.S. Bank account appearing on the credit</p> <p>16 report?</p> <p>17 A. I believe this is it here.</p> <p>18 Q. And that's on Page 0043 on the corner, do you</p> <p>19 see that?</p> <p>20 A. Yes.</p> <p>21 Q. And when you saw the U.S. Bank account on</p> <p>22 your credit report, did you do anything in</p> <p>23 response to seeing the account on the report?</p> <p>24 A. I discussed this with Mary's bankruptcy</p> <p>25 attorney.</p>
<p>Page 39</p> <p>1 from any of the credit reporting agencies?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall when you first requested your</p> <p>4 credit report?</p> <p>5 A. I would say it was probably around 2005.</p> <p>6 Q. Do you know why you requested your credit</p> <p>7 report?</p> <p>8 A. With this charge from U.S. Bank.</p> <p>9 Q. Do you recall what agency you requested your</p> <p>10 report from or did you request it from all</p> <p>11 three?</p> <p>12 A. I think I requested it from all three. I</p> <p>13 think I sent them all three letters.</p> <p>14 Q. Eventually did you receive a credit report?</p> <p>15 A. Oh, yes.</p> <p>16 Q. And did you review it when you received it?</p> <p>17 A. Yes.</p> <p>18 Q. Did you notice anything, any inaccuracies in</p> <p>19 it?</p> <p>20 A. It was -- it was all correct.</p> <p>21 MS. SILVERMAN: Let's go off the</p> <p>22 record.</p> <p>23</p> <p>24 (A recess was had in the proceedings)</p> <p>25</p>	<p>Page 41</p> <p>1 Q. Is that when he told you that you should</p> <p>2 write a letter to U.S. Bank and to the credit</p> <p>3 reporting agencies?</p> <p>4 A. Yes.</p> <p>5 Q. And you did that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know when the U.S. Bank account first</p> <p>8 appeared on your credit report?</p> <p>9 A. No, I don't.</p> <p>10 Q. So as of November 2006, is this the first</p> <p>11 time that you knew of the U.S. Bank account</p> <p>12 appearing on your credit report?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if the U.S. Bank account is still</p> <p>15 on your credit report?</p> <p>16 A. I haven't pulled it up recently. I believe</p> <p>17 it is.</p> <p>18 Q. Let's take a look -- go back to the second</p> <p>19 page of this exhibit. I am just going to ask</p> <p>20 you about some of the accounts on your credit</p> <p>21 report. The first one is Asset Acceptance,</p> <p>22 LLC.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know what that account is?</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. I am not sure.</p> <p>2 Q. When you saw this on your credit report back 3 in 2006 did you make any phone calls or send 4 any letters relating to that account?</p> <p>5 A. No.</p> <p>6 Q. It says Original Creditor Bally Total Fitness 7 Corp, does that --</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell me what it is now?</p> <p>10 A. It's a fitness club.</p> <p>11 Q. In the column on the right it says Status: 12 Collection account, \$560.00 past due as of 13 October 2006.</p> <p>14 Was that correct at the time?</p> <p>15 A. Yes.</p> <p>16 Q. The next account is Bank of America. 17 Do you recognize that account?</p> <p>18 A. Yes.</p> <p>19 Q. And can you tell me what that was?</p> <p>20 A. That I am not sure of right offhand. I don't 21 remember.</p> <p>22 Q. Do you know if it was your account?</p> <p>23 A. I had a Bank of America account, yes.</p> <p>24 Q. In the column on the right towards the bottom 25 it says Creditor's Statement: Account closed</p>	<p style="text-align: right;">Page 44</p> <p>1 THE WITNESS: For non-payment.</p> <p>2 BY MS. SILVERMAN:</p> <p>3 Q. Underneath the Capital One account there is 4 another Capital One account.</p> <p>5 Did you have two Capital One accounts?</p> <p>6 A. No. Well, I may have over the years.</p> <p>7 Q. The next account is Chevron Credit Bank. 8 Do you know what account that was?</p> <p>9 A. Yes.</p> <p>10 Q. What kind of account was that?</p> <p>11 A. It was a gas card.</p> <p>12 Q. And was that account ever in collections?</p> <p>13 A. Not that I recall.</p> <p>14 Q. The next account is Credit First. 15 Do you know what that account is?</p> <p>16 A. I am not sure.</p> <p>17 Q. The next account is ER Solutions. 18 Do you know what account that was? It 19 says underneath original creditor Cingular.</p> <p>20 A. Okay.</p> <p>21 Q. Do you know what that was?</p> <p>22 A. I'm sure it was a cell phone if it was 23 Cingular.</p> <p>24 Q. And it shows Status: Collection account. Was 25 your cell phone account in collections at</p>
<p style="text-align: right;">Page 43</p> <p>1 at credit grantor's question.</p> <p>2 Do you know why Bank of America closed the 3 account?</p> <p>4 MR. LYONS: Objection. Go ahead.</p> <p>5 You can answer. Objection.</p> <p>6 THE WITNESS: Objection.</p> <p>7 MR. LYONS: No, you have to 8 answer. I am objecting for the record 9 because it's asking for you to explain what's 10 in somebody else's mind.</p> <p>11 THE WITNESS: I don't know. I 12 don't remember.</p> <p>13 BY MS. SILVERMAN:</p> <p>14 Q. The next one is Capital One. Do you 15 recognize that account?</p> <p>16 A. Yes.</p> <p>17 Q. And was that your account?</p> <p>18 A. Yes.</p> <p>19 Q. And that also to the right says Creditor's 20 Statement: Account closed at credit 21 grantor's request.</p> <p>22 Do you know why Capital One closed the 23 account?</p> <p>24 MR. LYONS: Objection. You may 25 answer.</p>	<p style="text-align: right;">Page 45</p> <p>1 some point?</p> <p>2 A. You know, I recall an AT&T, but I wasn't sure 3 what it was under, so that might have been 4 it.</p> <p>5 Q. The next account is HSBC.</p> <p>6 Do you recognize that account?</p> <p>7 A. Not because of the address. I am not sure.</p> <p>8 It's out of Oregon. I don't know.</p> <p>9 Q. Did you ever have a credit card with HSBC?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Did you ever have any account with HSBC?</p> <p>12 A. I am not sure on what that one is right now.</p> <p>13 Q. Do you recall when you received this credit 14 report if you ever contacted HSBC to ask 15 about the account?</p> <p>16 A. No.</p> <p>17 Q. You don't recall or you didn't?</p> <p>18 A. No, I don't recall.</p> <p>19 Q. The next account is MCYDSNB. Do you 20 recognize that?</p> <p>21 A. I am not sure of this one.</p> <p>22 Q. Could it be a Macy's account? Did you ever 23 have an account with Macy's?</p> <p>24 A. Yes, I did have an account.</p> <p>25 Q. Did your Macy's account ever go into</p>

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<p style="text-align: right;">Page 46</p> <p>1 collections? 2 A. It did. I am up-to-date with it now. 3 Q. The next account is Nissan Motor Acceptance. 4 Did you ever have a car loan with Nissan? 5 A. Yes. 6 Q. Was that account ever past due? 7 A. It was past due. It's paid off now. 8 Q. Your next account was with PCFS. 9 Do you recognize that? 10 A. Yes. 11 Q. What was that account for? 12 A. That was my condo I owned and that is paid off now too. 14 Q. Was that a mortgage on your condo? 15 A. Yes. 16 Q. Were you ever behind on your mortgage payments? 18 A. Yes. 19 Q. But now the condo is paid off? 20 A. Yes. 21 Q. Last one, THD/CBSD, do you know what that account is? 23 A. I am not sure what these stand for, that's why I'm -- 25 Q. If you don't know, that's fine.</p>	<p style="text-align: right;">Page 48</p> <p>1 sent this letter? 2 A. Not exact date, no. I don't remember. 3 Q. If you look at the third to last sentence it says I never once had received anything from this bank until Mary K. Patterson went through bankruptcy. 7 A. Right. 8 Q. So this bank refers to U.S. Bank? 9 A. Yes. 10 Q. So my question would be you never received anything from U.S. Bank until Mary Patterson went through bankruptcy, what did you receive from U.S. Bank after -- 14 A. Mary received bills at her house and then that's when I received them from her. 16 Q. So you never -- 17 A. No. 18 Q. What I want to just clarify for the record is did you personally at your addresses in Florida -- 21 A. Never. 22 Q. -- ever receive anything -- 23 A. No. 24 Q. -- from U.S. Bank. 25 A. No, never.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I don't know. 2 Q. That's fine. Let's turn back for a minute to Exhibit No. 3, which is the disclosures again and I want you to take a look at Plaintiff 13 at the bottom, which is the letter that you wrote to U.S. Bank. 7 Now, you testified that you wrote this letter to U.S. Bank and to the credit reporting agencies, right? 10 A. Yes. 11 Q. Did anyone help you draft the letter? 12 A. No. 13 Q. And I know you said that you sent the same letter to U.S. Bank and the credit reporting agencies in 2005? 16 A. Uh-huh. 17 Q. Did you send the letter again to U.S. Bank and the credit reporting agencies? 19 A. Yes. 20 Q. Do you know approximately when that was? 21 A. Just recently, 2010 here. 22 Q. Is there any reason that you didn't date the letter? 24 A. It's an over site. 25 Q. Do you know what month in 2010 you would have</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Sorry. I have to finish the question before you can answer. 3 When you mailed this letter to U.S. Bank and the credit reporting agencies in 2010, did you receive a response, written response, from U.S. Bank? 7 A. From the credit agencies. 8 Q. But not from U.S. Bank? 9 A. No. 10 Q. So you received written responses from the credit reporting agencies? 12 A. Yes. 13 Q. But you never received a written response from U.S. Bank? 15 A. That's correct. 16 Q. Do you recall what the credit reporting agencies said to you in response to your letter or wrote to you in response to your letter? 20 A. They sent me a copy of my credit report and stated that it was my charge. It was my account. 23 Q. Did you do anything in response to receiving that response from the credit reporting agencies?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. That's when I asked my aunt's attorney who to 2 speak to and who to handle the case. 3 Q. And that's when you filed the lawsuit? 4 A. Yes. 5 Q. Just for the record, can you turn to 6 Plaintiff 10 on the Rule 26(a) Disclosures. 7 Is this Equifax's response to you after 8 you sent them Plaintiff 13? 9 A. Yes. 10 Q. If you look it says about halfway down 11 underneath the box it says we have researched 12 the credit account. The results are Equifax 13 verified that this item belongs to you. 14 Do you see that? 15 A. Yes. 16 Q. Do you know what Equifax did to verify, in 17 their words, that the account belonged to 18 you? 19 A. Just exactly what it says, that they 20 researched it and they found it was -- this 21 account had belonged to me. 22 Q. Do you know if Equifax contacted U.S. Bank to 23 see if the debt belonged to you? 24 A. From what it states, yes, I would imagine, 25 because it says they researched the credit</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes. 2 Q. Can I just say for the record, Equifax, 3 Experian, Trans Union? 4 A. Yes. 5 Q. You testified you don't know if Equifax 6 contacted U.S. Bank to -- 7 A. I assume they did. 8 Q. But you don't know? 9 A. I don't know. 10 Q. Do you know if Experian or Trans Union 11 contacted U.S. Bank in connection with your 12 dispute? 13 A. Again, I assume they do. You know, I would 14 imagine that's their job to look at the 15 company I am complaining about, yes. 16 Q. Do you know if they did contact U.S. Bank, 17 what they told U.S. Bank? 18 A. That I was stating that this was not my 19 account. 20 Q. But do you know if they did that? 21 A. No. 22 Q. Do you know if they did contact U.S. Bank 23 what U.S. Bank said in response? 24 A. No. 25 Q. Have you ever disputed any other account</p>
<p style="text-align: right;">Page 51</p> <p>1 account. 2 Q. But do you know if they contacted U.S. Bank? 3 A. No. 4 Q. When you sent your letter to the credit 5 reporting agencies, do you recall the names 6 of the credit reporting agencies you sent 7 your letter to? 8 A. Yes. 9 Q. Can you tell me what they are? 10 A. It was Experian. I got them off of the 11 computer and so I just sent them to all three 12 of them that I needed to. 13 14 (Phone ringing) 15 16 MR. LYONS, JR.: Hello. 17 MR. LYONS: I got cut off for a 18 minute. 19 MS. SILVERMAN: We didn't know 20 you were gone. Sorry. 21 MR. LYONS: It just cut off. I 22 had to just call back. 23 BY MS. SILVERMAN: 24 Q. So you sent the letter to the three credit 25 reporting agencies?</p>	<p style="text-align: right;">Page 53</p> <p>1 besides the U.S. Bank account to any of the 2 credit reporting agencies? 3 A. No. 4 5 (Deposition Exhibit No. 5 Marked for 6 Identification) 7 8 BY MS. SILVERMAN: 9 Q. I am showing you what's been marked as Baltz 10 Exhibit 5 which is a Trans Union Credit 11 Report dated July 12, 2010. 12 Do you remember when you requested this 13 credit report? 14 A. Yes. 15 Q. And when would that be? 16 A. Just recently, 2010. 17 Q. Did you review the report when you received 18 it? 19 A. I looked over it, yes. 20 Q. Did you notice any inaccuracies in the 21 report? 22 A. No. 23 Q. I just want to look at a couple of the 24 accounts in here. On the third Page, 25 TU 000003, there's an account AFNI.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Do you recognize that account?</p> <p>2 A. On the third -- okay.</p> <p>3 Q. Page 3, do you see that AFNI?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recognize that account?</p> <p>6 A. Not right offhand, no.</p> <p>7 Q. Okay. Let's skip to Page 5. The pages are marked at the bottom. There's an account called Palisades Collection, LLC.</p> <p>10 Do you know what that account is?</p> <p>11 A. I don't. If I knew what the names of these companies were, I might be able to have a better idea.</p> <p>14 Q. In the second column it says Original Creditor and I believe it's AT&T?</p> <p>16 A. Yes, that's correct.</p> <p>17 Q. Was that the account you were referring to before?</p> <p>19 A. Yes.</p> <p>20 Q. And was that account ever in collections?</p> <p>21 A. Yes.</p> <p>22 Q. The last one I am going to ask you about on here is Home Depot.</p> <p>24 Did you have a credit card with Home Depot?</p> <p>25</p>	<p style="text-align: right;">Page 56</p> <p>1 at the bottom.</p> <p>2 A. Okay.</p> <p>3 Q. It says JTL, Inc.</p> <p>4 A. Okay.</p> <p>5 Q. Do you know what this account is?</p> <p>6 A. No.</p> <p>7 Q. Does the balance of \$44,509.00 help you?</p> <p>8 A. No.</p> <p>9 Q. Okay. That's all I had on that one.</p> <p>10 Do you have any credit cards currently in your name as an individual?</p> <p>12 A. No.</p> <p>13 Q. Do you have any credit cards now jointly with anyone?</p> <p>15 A. No.</p> <p>16 Q. Have you ever had a credit card cancelled?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been more than 30 days late on a credit card payment?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever been beyond 30 days late on a credit card payment?</p> <p>23 A. Yes.</p> <p>24 Q. Do you currently have any loans with any bank, any mortgage company, any car?</p> <p>25</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. It says account closed by credit grantor.</p> <p>3 Do you know why Home Depot would have closed the account?</p> <p>5 MR. LYONS: Objection. If you know, you can answer. Objection to the form of the question.</p> <p>8 THE WITNESS: No.</p> <p>10 (Deposition Exhibit No. 6 marked for identification)</p> <p>13 BY MS. SILVERMAN:</p> <p>14 Q. I am handing you what's been marked as Baltz Exhibit 6. This is a Trans Union Credit Report from October 31, 2011.</p> <p>17 Do you remember requesting this report?</p> <p>18 A. Yes.</p> <p>19 Q. Did you review the report when you received it?</p> <p>21 A. I did.</p> <p>22 Q. Did you notice anything inaccurate on the report?</p> <p>24 A. No.</p> <p>25 Q. I just want to turn your attention to Page 45</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me what loans you currently have?</p> <p>4 A. A loan and that's what this could be for.</p> <p>5 It's a loan on an Infiniti, a car.</p> <p>6 Q. A car?</p> <p>7 A. Yes.</p> <p>8 Q. Are you currently delinquent on that loan?</p> <p>9 A. No.</p> <p>10 Q. Have you ever been delinquent on that loan?</p> <p>11 A. No.</p> <p>12 Q. And I believe you stated earlier that you don't own a home?</p> <p>14 A. No.</p> <p>15 Q. So you do not have a mortgage?</p> <p>16 A. No.</p> <p>17 Q. Have you ever owned a home?</p> <p>18 A. Yes.</p> <p>19 Q. You owned a condo, right?</p> <p>20 A. Yes.</p> <p>21 Q. Where was that condo located?</p> <p>22 A. In Fort Lauderdale.</p> <p>23 Q. Did you have a mortgage on that condo?</p> <p>24 A. Yes.</p> <p>25 Q. When did you obtain that mortgage?</p>

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Page 58	Page 60
<p>1 A. In '99, around; 99.</p> <p>2 Q. And did you have a co-signer?</p> <p>3 A. Yes.</p> <p>4 Q. Who was your co-signer?</p> <p>5 A. My stepfather.</p> <p>6 Q. Did you eventually sell the condo?</p> <p>7 A. Yes.</p> <p>8 Q. Did you pay off the mortgage?</p> <p>9 A. Yes.</p> <p>10 Q. Do you own any property at all?</p> <p>11 A. No.</p> <p>12 Q. Besides the U.S. Bank account, have you ever been contacted by a collection agency in connection with any account?</p> <p>15 A. Yes.</p> <p>16 Q. Can you tell me which accounts?</p> <p>17 A. AT&T.</p> <p>18 Q. Anybody else?</p> <p>19 A. Capital One.</p> <p>20 Q. Anybody else?</p> <p>21 A. That's all I can recall.</p> <p>22 Q. Have you ever been denied credit for a credit card or a loan?</p> <p>24 A. Yes.</p> <p>25 Q. Can you tell me when?</p>	<p>1 Q. Did he ask you about any other accounts on your credit report besides U.S. Bank?</p> <p>3 A. No.</p> <p>4 Q. So he only asked you about U.S. Bank?</p> <p>5 A. That I can recall, yes.</p> <p>6 Q. Now, you stated that you couldn't get a car loan through someone so you had to go through Infiniti, right?</p> <p>9 A. Right.</p> <p>10 Q. Who is the someone?</p> <p>11 A. I am not sure what banks they use. I went in there. I applied for the credit and I came back the next day and they weren't able to -- actually we took the car and they weren't able to put the loan through the companies that they were trying, the banks they were trying to use. I am not sure of the exact banks they were going through.</p> <p>19 Q. So when you're saying they, are you talking about --</p> <p>21 A. The Infiniti dealership.</p> <p>22 Q. Do you know where the Infiniti dealership is located?</p> <p>24 A. Coconut Creek, Florida.</p> <p>25 Q. Is it on U.S. 1 by any chance?</p>
Page 59	Page 61
<p>1 A. The most recent is for the Infiniti, the car I purchased. They couldn't get me into a loan with their banks with good percentage rates, APR, so I had to go right through Infiniti with a very high interest rate.</p> <p>6 Q. Do you recall if you applied for that Infiniti loan in person or by phone?</p> <p>8 A. In person.</p> <p>9 Q. Do you recall who you met with?</p> <p>10 A. No.</p> <p>11 Q. Do you recall what month and what year it was?</p> <p>13 A. About four months ago.</p> <p>14 Q. Do you know if the person you met with ran a credit report?</p> <p>16 A. Yes.</p> <p>17 Q. Did the person who you met with tell you why you couldn't get a loan through a non-Infiniti loan?</p> <p>20 A. He asked me questions regarding my credit report.</p> <p>22 Q. What kinds of questions did he ask you?</p> <p>23 A. He saw the charge off from U.S. Bank and asked what was this about and just specifics about my credit report.</p>	<p>1 A. No.</p> <p>2 Q. Do you know the street address?</p> <p>3 A. It's off of Sample Road.</p> <p>4 Q. And do you recall if the person that you met with at the Infiniti dealership was a man or a woman?</p> <p>7 A. It was a man.</p> <p>8 Q. Do you recall his first name?</p> <p>9 A. Not offhand, no.</p> <p>10 Q. Have you ever been turned down for a loan or a credit card besides the Infiniti?</p> <p>12 A. No. I haven't applied for any other --</p> <p>13 Q. That was my next topic.</p> <p>14 Have you ever applied for a loan or a credit card since 2005 and been approved?</p> <p>16 A. No.</p> <p>17 Q. Back to the Infiniti for a second, you did receive a loan, but the interest rate was higher than you wanted?</p> <p>20 A. Right.</p> <p>21 Q. Do you know what the interest rate on the Infiniti loan that you have now is?</p> <p>23 A. I believe like 14 percent.</p> <p>24 Q. Do you know what the rate was that the Infiniti person was trying to get you?</p>

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<p style="text-align: right;">Page 62</p> <p>1 A. Around six, six or seven. 2 Q. Let's talk a little bit about the way that 3 you perceive that you have been hurt by U.S. 4 Bank. 5 If you turn to Exhibit 1 in the Complaint 6 it states in Paragraph 34 that U.S. Bank's 7 actions have caused you harm. I want to talk 8 to you a little bit about that. 9 How would you describe the harm that U.S. 10 Bank has caused you, in your own words? 11 A. A lot of stress. A lot of sleepless nights, 12 headaches, frustration through family members 13 and myself just not being able to get closure 14 on this. 15 Q. Tell me a little bit about your sleepless 16 nights. When did you start losing sleep? 17 A. Not every night but, you know, a lot of times 18 it did happen. There was a lot of stress 19 with my mom going through cancer and she's 20 getting these calls and she's complaining at 21 me. It was a lot of stress during the time. 22 This just kind of added to things. 23 Q. So were there other stresses going on in your 24 life? Is this back in 2006 when your mom had 25 cancer?</p>	<p style="text-align: right;">Page 64</p> <p>1 or a psychologist about this? 2 A. No. 3 Q. Did you talk to anyone aside from your Aunt 4 Mary and your mom about U.S. Bank? 5 A. Just immediate family. 6 Q. And who would you talk to about that? 7 A. My father, my brothers and my girlfriend. 8 Q. What damages are you claiming in this case? 9 A. I am mostly -- 10 MR. LYONS: I am going to object. 11 Don't say anything that your lawyers have 12 told you. If there is a way to answer that, 13 go ahead. Anything that has been discussed 14 between you and me is something that should 15 not be disclosed. 16 BY MS. SILVERMAN: 17 Q. I never want to ask you what you spoke to 18 your lawyer about, that's privileged, but 19 what is it that you want to get out of this 20 case? 21 A. I want to make sure that this is off of my -- 22 my name is not, you know, on this charge of 23 my aunt's credit card. I would like this off 24 of all my credit, removed from my credit. 25 Q. Is there anything else that you want?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. 2007, yes, 2006 and 2007. 2 Q. So how often would you say that you lost 3 sleep over U.S. Bank? 4 A. Due to the calls, frequent calls I was 5 receiving, it was daily where I was 6 constantly thinking about it. 7 Q. And I think you testified the calls stopped 8 at some point in 2007 or 2008? 9 A. Yes, right around there. I really don't 10 remember. It was a few years ago. 11 Q. Was there anything else going on in this time 12 frame that was causing you stress? 13 A. Other than just my mother, no. 14 Q. When you say that you were feeling stress 15 about this, can you tell me what that felt 16 like, what that meant to you? 17 A. With someone hounding you for something that 18 you don't feel is your's, there's just a lot 19 of frustration and it builds up and, you 20 know, then it's embarrassing too when you're 21 getting calls all the time on your cell phone 22 and that was my only phone and it's the only 23 phone number that they had and all throughout 24 the day. 25 Q. Did you ever see a doctor or a psychiatrist</p>	<p style="text-align: right;">Page 65</p> <p>1 A. That's most important to me. 2 MS. SILVERMAN: Can we just take 3 two minutes? I want to look through and make 4 sure I have covered everything. 5 MR. LYONS: Sure. Go ahead. 6 7 (A recess was had in the proceedings) 8 9 BY MS. SILVERMAN: 10 Q. You testified that the Infiniti dealer pulled 11 your credit report? 12 A. Yes. 13 Q. Do you know which credit report, from what 14 credit reporting agency they pulled? 15 A. I don't. 16 Q. And the other thing I want to ask you about 17 is U.S. Bank calling your cell phone number. 18 You testified you don't remember your cell 19 phone number? 20 A. I can get it. I don't have it right offhand. 21 Q. Do you know who your carrier was? 22 A. It was AT&T. 23 Q. Was the cell phone in your name? 24 A. Yes. 25 MS. SILVERMAN: I would request,</p>

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<p style="text-align: right;">Page 66</p> <p>1 and I can do it in writing if you would like, 2 that we be provided with Mr. Baltz' cell 3 phone number at the time. 4 MR. LYONS: Okay. 5 MS. SILVERMAN: That's all I 6 have. 7 8 EXAMINATION 9 10 BY MR. LYONS: 11 Q. John, in the testimony that you have given so 12 far you discussed back in 2006 and 2007 areas 13 where you were trying to straighten out the 14 credit report or, excuse me, the inaccuracy 15 with U.S. Bank. 16 What I would like you to do is take a look 17 at Exhibit No. 1, pick it up in your hand, go 18 to Paragraph 34, Exhibit 1, you testified 19 that in this case against U.S. Bank there's 20 been harm done to you and you have laid out a 21 few items there. What I would like you to do 22 is explain to us when the problem occurred 23 with respect to U.S. Bank after you got your 24 credit report in 2010? What happened then? 25 A. This is the most recent was the car and I</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Now, you have said some other things in 2 Paragraph 34 regarding loss of sleep and some 3 other things. As you're looking at it there, 4 have all of those things arisen since the 5 failure of the credit reporting agencies to 6 correct the U.S. Bank credit line? 7 A. Yes. 8 MR. LYONS: I don't have any 9 further questions, Ellen. 10 11 EXAMINATION 12 13 BY MS. SILVERMAN: 14 Q. I just have one other question. 15 If you turn back to Exhibit No. 6, which 16 is the October 31, 2011 Trans Union report 17 and if you turn, Mr. Baltz, to Page 45 and I 18 want to turn your attention again to that 19 JTL, Inc. with the balance of \$44,509.00, I 20 believe you testified earlier you did not 21 know what this account was. 22 Is that true? 23 A. If I knew the name of it, I might, but I am 24 not sure what this is, with these initials 25 and abbreviations.</p>
<p>1 haven't applied for any credit cards or loans 2 because of this and, you know, I have been 3 jumping around from house to house and 4 there's been a lot of frustration because I 5 would really like to clean up my credit and 6 buy a house. I have three children and it's 7 really frustrating. This has caused a lot of 8 anxiety because, you know, getting this 9 information back from the credit agencies has 10 told me that they are still trying to come 11 after me and this is still hurting my credit 12 and it's really caused me a lot of emotional 13 distress.</p> <p>14 Q. So in Paragraph 34 it says that you have not 15 sought to use your credit other than getting 16 this Infiniti.</p> <p>17 Have there been times when you have gone 18 to a mortgage broker and spoken to them about 19 this or have you not gone to that extent?</p> <p>20 A. I have not gone to that extent yet.</p> <p>21 Q. But for some reason you're concerned that 22 this matter is going to prevent you from 23 exercising your credit.</p> <p>24 Is that true?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Do you recall any credit account that was 2 placed in collections in May of 2009 in the 3 approximate amount of \$44,509.00? 4 A. Not right off the top of my head, no. 5 Q. Did you have any loans back in 2009 with a 6 balance of \$44,000.00? 7 A. Not that I recall. 8 Q. When you went to the Infiniti dealer, the 9 only thing the Infiniti dealer pointed to on 10 your credit report was the U.S. Bank account? 11 A. He asked about it, yes. 12 Q. Did he ask about any other account? 13 A. No. 14 MS. SILVERMAN: I have nothing 15 further. Thank you. 16 MR. LYONS: I don't have any 17 further questions. He is going to read and 18 sign. 19 20 21 * * * 11:50 * * * 22 23 24 25</p>

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<p style="text-align: right;">Page 70</p> <p>1 STATE OF MINNESOTA } 2 COUNTY OF DAKOTA } ss. 3 4 BE IT KNOWN, that I took the deposition at the time and place set forth herein; 5 6 That I was then and there a Notary Public in and for the County of Dakota, State of Minnesota, and by virtue thereof, I was duly authorized to administer an oath; 7 8 That the witness before testifying was by me first duly sworn to testify to the whole truth relative to said cause; 9 10 That the testimony of said witness was recorded in shorthand and transcribed into typewriting, that the deposition is a true record of the testimony given by the witness, to the best of my ability; 11 12 That I am not related to any of the parties hereto nor interested in the outcome of the action; 13 14 That the reading and signing of the deposition by the witness and the Notice of Filing were not waived; 15 16 That the original transcript was delivered to the attorney conducting the deposition for filing; 17 18 IN EVIDENCE HEREOF, WITNESS MY HAND AND SEAL. 19 20 21 22 _____ Leslie Pingley 23 Notary Public 24 25</p>	<p style="text-align: right;">Page 71</p> <p>1 READING & SIGNING CERTIFICATE 2 3 BE IT KNOWN, that I, the undersigned 4 Deponent, have on this date, _____, 5 read the transcript of my deposition testimony, 6 noting the following changes (if any): 7 8 _____ 9 DEPONENT'S SIGNATURE 10 11 Page & Line No. Correction Reason 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>
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Stephanie Buckley

Page 1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
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8

JOHN BALTZ

COPY

vs.

U.S. BANCORP d/b/a U.S. BANK

10
11 Cause No. 11-cv-170 JRT/AJB
12
13
14
15

16 DEPOSITION OF STEPHANIE BUCKLEY
17 TAKEN ON BEHALF OF THE PLAINTIFF
18 FEBRUARY 16, 2012
19
20
21
22
23
24

25 (starting time of deposition: 10:22 a.m.)

Civil Action Group 763.576.8832

Stephanie Buckley

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4 Direct Examination by Mr. Lyons	5	Vadnais Heights, MN 55127		
5 Cross-Examination by Ms. Silverman	118	(651)770-9707		
5 Redirect Examination by Mr. Lyons	119	tlyons@lyonslawfirm.com		
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7 EXHIBIT NUMBER	PLAINTIFF'S EXHIBITS	PAGE MKD.		
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16 Rule 26(a)(1) Disclosures of Defendant U.S. Bank National Association	31			
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18 3 USBank's objections and answers to plaintiff's first set of interrogatories	98			
19 5				
20 23 (Original exhibits were retained by the Court Reporter and will be copied and attached to copies of the transcript.)				
21 24				
22 25				
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1 UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA				
2 JOHN BALTZ,)			
3 Plaintiff,)			
4)				
5 vs.) Cause No. 11-cv-170				
6 U.S. BANCORP d/b/a U.S. BANK,) JRT/AJB			
7)				
8 Defendant.)			
9				
10 DEPOSITION OF STEPHANIE BUCKLEY, produced, sworn and examined on February 16, 2012, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the offices of US Bank, 9321 Olive Boulevard, St. Louis, Missouri, 63132, before Amy A. Victoria, Certified Court Reporter, in a certain cause now pending in the United States District Court, District of Minnesota, wherein JOHN BALTZ is the Plaintiff and U.S. BANCORP d/b/a U.S. BANK is the Defendant.				
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19				
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25				
DIRECT EXAMINATION				
13 QUESTIONS BY MR. LYONS:				
14 Q. And madam, what is your full name?				
15 A. Stephanie Ann Buckley.				
16 Q. And are you older than 21 years?				
17 A. Yes.				
18 Q. And have you ever given a deposition before in any circumstance?				
19 A. With you before, yes.				
20 Q. Okay. And when was the last deposition you gave in any case?				
21 A. Would have been within the last two months.				
22 Q. And what kind of a case was that?				
23 A. It had to do with a business card account.				

2 (Pages 2 to 5)

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Stephanie Buckley

<p style="text-align: right;">Page 6</p> <p>1 I don't know, I don't recall the specifics of it.</p> <p>2 Q. Now, when you give a deposition, do you</p> <p>3 have the opportunity to read it after the deposition</p> <p>4 is given to, is typed up in English?</p> <p>5 A. Sometimes I do, yes.</p> <p>6 Q. Okay. And did you read that one that you</p> <p>7 gave two months ago?</p> <p>8 A. No, I have not.</p> <p>9 Q. All right. When is the last deposition</p> <p>10 that you read when it was typed up in English that you</p> <p>11 gave?</p> <p>12 A. Fully read?</p> <p>13 Q. Pardon me?</p> <p>14 A. Fully read, you know, I glanced at the last</p> <p>15 one that we did, but the last one I fully read was</p> <p>16 years ago.</p> <p>17 Q. Okay. When did you -- when was the that we</p> <p>18 did before, what month or year?</p> <p>19 A. I don't know.</p> <p>20 Q. Was it within the last year?</p> <p>21 A. I don't think so.</p> <p>22 Q. All right. When you read these</p> <p>23 depositions, do you keep them in your office or on</p> <p>24 your computer or somewhere that's accessible to you?</p> <p>25 A. They are not on my computer and generally</p>	<p style="text-align: right;">Page 8</p> <p>1 either from individuals or from the credit bureaus.</p> <p>2 Q. Okay. And when it comes from the credit</p> <p>3 bureau, that's, there's a law, and that is 611681S2B,</p> <p>4 does that sound familiar to you?</p> <p>5 A. No.</p> <p>6 Q. Okay. Then is there a law that you're</p> <p>7 familiar with about the disputes that come from credit</p> <p>8 reporting agencies to USBank for you to investigate?</p> <p>9 MS. SILVERMAN: I'm going to object calls</p> <p>10 that it calls for a legal conclusion but she can</p> <p>11 answer, if she knows.</p> <p>12 Q. (Mr. Lyons) Go ahead.</p> <p>13 A. Well, I believe that's part of the FCRA, or</p> <p>14 the Fair Credit Reporting Act.</p> <p>15 Q. And you're not sure of what particular part</p> <p>16 of the Fair Credit Reporting Act I'm referring to; is</p> <p>17 that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. All right. Okay. Well, what is your</p> <p>20 current position by title? If you have a job title,</p> <p>21 what is that?</p> <p>22 A. Vice president.</p> <p>23 Q. Okay. And is it vice president of anything</p> <p>24 in particular?</p> <p>25 A. Of collection support.</p>
<p style="text-align: right;">Page 7</p> <p>1 they are not in my office.</p> <p>2 Q. Where would they be, if you know?</p> <p>3 A. They would be in our files either here</p> <p>4 on-site or off site.</p> <p>5 Q. And what site are you at right now where</p> <p>6 your office is?</p> <p>7 A. The address here is 9321 Olive Boulevard,</p> <p>8 St. Louis, Missouri, 63132.</p> <p>9 Q. Okay. Now, how long have you worked at</p> <p>10 USBank?</p> <p>11 A. Almost 17 years.</p> <p>12 Q. And before you worked at USBank, what</p> <p>13 generally did you do between that time and when you</p> <p>14 left school?</p> <p>15 A. I worked for several other financial</p> <p>16 institutions.</p> <p>17 Q. Okay. And in the work both at USBank and</p> <p>18 in the other financial institutions, did you become</p> <p>19 aware, as part of your work duties, become aware of</p> <p>20 the Fair Credit Reporting Act?</p> <p>21 A. Yes.</p> <p>22 Q. And is there any particular part of the act</p> <p>23 that is part of your job generally, or day to day, or</p> <p>24 month to month work?</p> <p>25 A. Yes. We respond to disputes received</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And how long have you had that job?</p> <p>2 A. It's been just about two years.</p> <p>3 Q. Two years. And is there a written job</p> <p>4 description for that position?</p> <p>5 A. I don't believe that there's a job</p> <p>6 description. We have --</p> <p>7 Q. Okay.</p> <p>8 A. -- job codes that have information --</p> <p>9 Q. What would a job code be?</p> <p>10 A. A job code is just really for our HR system</p> <p>11 that would describe generally the duties of a manager</p> <p>12 position.</p> <p>13 Q. All right. And are they particular to</p> <p>14 collections or is it just managers have to do certain</p> <p>15 things no matter what department you're in?</p> <p>16 A. In most cases, they're pretty generic</p> <p>17 throughout the bank. There may be some codes that are</p> <p>18 specific to collections.</p> <p>19 Q. And in your job, do you get reviewed on an</p> <p>20 annual or a semi-annual basis for your performance?</p> <p>21 A. Yes, I do.</p> <p>22 Q. And how often do you get reviewed?</p> <p>23 A. A formal review is annual.</p> <p>24 Q. All right. And when was your last annual</p> <p>25 review?</p>

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 A. That would have been last year at this 2 time. So I'm expecting to get another one shortly. 3 Q. All right. So in February 2011, did you 4 pass that review? 5 A. Yes. 6 Q. No negative comments that you're aware of? 7 A. No. As a matter of fact, I'm the pinnacle 8 winner for our division for last year. 9 Q. Okay. Did you get a promotion? 10 A. No. 11 Q. Okay. Did you get an increase in salary? 12 A. For a pinnacle award, no, it's a service 13 award. 14 Q. Okay. Did you get a bonus as part of your 15 job as a result of the review in February of 2011? 16 A. Yes. We do have an annual bonus plan. 17 Q. And did you get one? 18 A. Yes. 19 Q. Okay. Now, who does your review, what's 20 the name and position of that person? 21 A. Last year my review was done by Dan Rose. 22 Q. Okay. 23 A. Senior vice president of RPS collections. 24 Q. Okay. Give me the letters again. I didn't 25 pick it up. RPS or --</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Oh, I'm sorry. She is married. Cynthia 2 Hunt. 3 Q. Cynthia Hunt. Okay. And what is her job 4 at USBank? 5 A. She is a recovery manager. 6 Q. Okay. What does a recovery manager do? 7 A. They manage the process for charged off 8 credit accounts. 9 Q. All right. And when you interviewed her, 10 did you find out that she had been participating in 11 the collection efforts against John Baltz or had she 12 just come to that job recently? 13 A. I interviewed -- well, I didn't actually 14 interview her, that would be strong. I was asking her 15 a question about an I.D. in the RMS notes. That's 16 what we discussed. 17 Q. Okay. Did you say a code in the RMS notes 18 or an I period D period? 19 A. I.D., I period D period. 20 Q. Okay. And what was that I.D. that you were 21 asking about? 22 A. It was -- hold on, let me get that, the RMS 23 notes over here. Just a second. 24 (Plaintiff's, USBank Deposition Exhibit No. 25 4A, RMS Notes, was then marked for identification by</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Oh, I'm sorry. R, like Robert, P, like 2 Peter, S, like Sam. 3 Q. Okay. And what does that stand for? 4 A. That for stands for retail payment 5 solutions. 6 Q. Okay. All right. What have you reviewed 7 to prepare yourself to give your testimony at this 8 deposition? 9 A. I have reviewed the account files since the 10 suit was filed. So the complaint. I took a look at 11 the interrogatories. I took a look at some of the 12 RMS notes, some of the letters. 13 Q. All right. And take a look at the 14 documents that have been marked so far, there's nine 15 or eight of the nine have been -- are those the types 16 of documents that you would have reviewed to prepare 17 yourself for this testimony today? 18 A. Yes. 19 Q. All right. Did you interview anyone to 20 prepare for your testimony? 21 A. I did talk to some folks, yes. 22 Q. And let's just name of them. First name 23 that comes to mind, who did you talk to? 24 A. Cynthia Doodah (phonetic). 25 Q. Okay. And what?</p>	<p style="text-align: right;">Page 13</p> <p>1 the reporter.) 2 (Plaintiff's, USBank Deposition Exhibit No. 3 4B, More legible RMS notes, was then marked for 4 identification by the reporter.) 5 Q. I think it's marked as Exhibit 4, the RMS 6 notes, and perhaps it's in there somewhere. 7 MS. SILVERMAN: The court reporter has 8 them, hold on. 9 THE WITNESS: Well, you know what, I can 10 get that from mine. 11 THE COURT REPORTER: They're right here. 12 THE WITNESS: Okay. Thank you. 13 A. It was D, as in David, X, B, like boy, 14 I-L-L-I. 15 Q. (Mr. Lyons) All right. Now, what page are 16 you on and what exhibit are you on? 17 MS. SILVERMAN: Yeah, this is, it's going 18 to take a second, Tom, because these are the RMS notes 19 that don't have Bates numbers on the bottom. 20 MR. LYONS: That's fine. 21 MS. SILVERMAN: So in order to match it 22 up -- 23 MR. LYONS: Maybe give me a date that 24 you're looking at if it has a date entry on the RMS 25 notes.</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. 10-2 of 2006. 2 Q. (Mr. Lyons) Okay. 10-2. 3 A. And it's 000125. 4 Q. Okay. Good. All right. So on that page 5 what were you asking Cynthia about? 6 A. I was, when I had looked over the notes, 7 the I.D. seemed very familiar to me. 8 Q. Okay. 9 A. So I was simply asking her, refresh my 10 memory who was this person. 11 Q. What person? 12 A. DXBILLI, that's a user I.D. 13 Q. I didn't hear that. Pardon me. I was not 14 listening. Who is DXBILLI? 15 A. It's a former employee named Derek 16 Billings. 17 Q. Okay. And he made the entry on the RMS 18 note, Exhibit 4, page 125, correct? 19 A. Correct. For A, right, or, I guess, either 20 one. They're both the same. Sorry. 21 Q. No. You're right, you're right. I 22 apologize, it is Exhibit 4A. And when we see the 23 number pages, that's probably what we should refer to 24 for our testimony today. Would you agree with me on 25 that?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. She's a support manager. 2 Q. Okay. What department does she work in? 3 A. Support, collections support. 4 Q. Okay. Collection support. And what would 5 her role be in this, why would you talk to her about 6 John Baltz? 7 A. Because she manages the credit bureau 8 dispute group. 9 Q. Okay. And as the manager of the dispute 10 group, would she be the manager of the person at 11 USBank that responded to the ACDV's that came from the 12 various credit report agencies in this case? 13 MS. SILVERMAN: Objection, lacks 14 foundation, but you can answer, if you know. 15 A. Yes. 16 Q. (Mr. Lyons) Okay. So who did you talk to 17 Christine about in particular, if anyone? 18 A. We didn't talk about any individual 19 employees. I'm not sure I am following your question. 20 Q. Okay. Well, you interviewed Christine. 21 She's the supervisor of management collections. She 22 supervises the dispute group. You indicated that the 23 members that she supervises at USBank in the dispute 24 group are those who communicate by ACDV with credit 25 reporting agencies; is that true?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes. 2 Q. Okay. Thank you. So did you, yourself, 3 interview Derek Billings? 4 A. No. 5 Q. Has anybody done it on your behalf for your 6 testimony today? 7 A. No. 8 Q. All right. So Cynthia told you that's who 9 it was and did Cynthia know anymore about the entry on 10 page 125 of Exhibit 4A? 11 A. We did not specifically discuss it. 12 Q. Okay. Did you discuss anything about the 13 RMS notes relating to John Baltz when you spoke to 14 Cynthia? 15 A. No. 16 Q. Okay. All right. So you've looked at the 17 documents that are in front of you, the complaints, 18 some other documents, and we'll go to them one by one 19 and then you can tell me if you actually looked at it. 20 You interviewed Cynthia Hunt just for the 21 purpose that you've just told us. Anybody else that 22 you spoke with about the collection efforts against 23 John Baltz? 24 A. Christine Pyatt (phonetic). 25 Q. Okay. And what's her job title?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes. 2 Q. Okay. So when you spoke to Christine, what 3 did you talk about? 4 A. I was asking her some questions about 5 credit bureau code, codes. 6 Q. Okay. Credit bureau codes, any ones in 7 particular that you remember? 8 A. It was specifically in the '01 and the '02 9 in the ACDV tab. I just wanted to confirm my under 10 understanding. 11 Q. Okay. '01 and '02. Anything else that you 12 talked about in terms of responses that her department 13 based facts to ACDV or to the credit bureaus? 14 A. Yes. We did talk about the process of what 15 they look at and that they do verify against public 16 record. 17 Q. Okay. So she told you generally how they, 18 how they operate at the ACDV level; is that correct? 19 A. Yes. 20 Q. So you spoke generally about her work, you 21 talked about public records. Was there anything in 22 particular about public records that you discussed 23 regarding John Baltz when you spoke to Christine? 24 A. No. 25 Q. Okay. Did you discuss in particular an</p>

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<p>1 operator by the name of Lori Hasenstab, 2 H-A-S-E-N-S-T-A-B. Did you discuss that person? 3 A. No. 4 Q. Okay. Do you know if Lori Hasenstab still 5 works at USBank? 6 A. Yes, she does. 7 Q. Okay. And is that still her name, Lori 8 Hasenstab? 9 A. Yes. 10 Q. Okay. She didn't get married like Ms. Hunt 11 did? 12 A. No. 13 Q. Okay. Very good. All right. So you 14 talked to Christine, talked to Cynthia, anybody else 15 that you interviewed for the purpose of this 16 deposition? 17 A. Corey Thompson. 18 Q. Okay. And what's Lori Thompson do? 19 MS. SILVERMAN: Corey. 20 A. Corey. Sorry. C-O-R-E-Y. Corey. 21 Q. (Mr. Lyons) Corey Thompson. And what did 22 you talk to her about? 23 A. He's a man. 24 Q. Okay. Mister. Okay. 25 A. I talked to him about the process for</p>	<p>1 you do it by phone? 2 A. Both. 3 Q. The three individuals? 4 A. Both. 5 Q. Did you do them all by -- I'm sorry. I 6 didn't hear you. Did you interview them all by phone? 7 A. No. 8 Q. Okay. So who did you see in person? 9 A. Christine. 10 Q. Okay. And is Christine the only one you 11 interviewed in person? 12 A. Yes. 13 Q. All right. Did she show you anything while 14 you were talking to her about the topics you were 15 discussing with her? 16 A. Did she show me anything? Well, we looked 17 at the ACDV codes. 18 Q. Okay. And I think you mentioned '01 and 19 '02. Did she discuss any of the other codes with you? 20 A. No. 21 Q. Did she talk about her, excuse me -- strike 22 that. Did Christine speak with you about any of the 23 response codes that USBank would use to communicate 24 back with the credit reporting agencies? 25 A. Yes, but...</p>
<p>1 adding users onto an account. 2 Q. Okay. And did you speak to him about 3 Mr. Baltz or just generally speaking about adding 4 users? 5 A. It was a general conversation. 6 Q. Okay. So he did not give you any 7 information about Mr. John Baltz in particular, 8 correct? 9 A. No. 10 Q. All right. When did you conduct these 11 interviews with Christine and Cynthia and 12 Mr. Thompson, is that within the last month or last 13 couple of weeks? 14 A. Yes. 15 Q. Okay. And are they all there at the site, 16 9300, or are they located in other parts of the 17 country? 18 A. Cynthia is here on-site, Christine is here 19 on-site and Corey Thompson is at a different site. 20 Q. Okay. Where would Corey Thompson be? 21 A. Fargo. 22 Q. Okay. And Lori Hasenstab, was she, is she 23 on-site there somewhere in the St. Louis area? 24 A. Yes, she is. 25 Q. And did you interview them in person or did</p>	<p>1 Q. Okay. And what did she tell you about 2 those codes, response codes? 3 A. Just that they're, you know, like the 4 response code one is the account is accurate as of 5 date reported, two means that some account information 6 was modified, just general information. 7 Q. Okay. And she tell you about the delete 8 code? 9 A. We did not discuss a delete code. 10 Q. All right. Okay. Anybody else that you 11 interviewed other than those three people? 12 A. No. 13 (Plaintiff's, USBank Deposition Exhibit No. 14 1, Plaintiff's amended notice of taking telephonic 15 deposition of Defendant's Rule 30(b)(6) 16 representatives, was then marked for identification by 17 the reporter.) 18 Q. Now, let's take a look at Exhibit Number 1. 19 And Exhibit Number 1 should be marked there so that 20 you can see it. 21 A. Let us just flip to it. Okay. 22 Q. What did you say? 23 A. We were just flipping to the page. Sorry. 24 Q. Okay. Good. So anyhow, Exhibit 1 is a 25 four pager. Have you seen this before today?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. Yes.</p> <p>2 Q. Okay. When did you first see it?</p> <p>3 A. I'm not sure when I first saw it but I 4 looked at it yesterday.</p> <p>5 Q. Okay. Now, let's look at the points that 6 are laid out in the exhibit.</p> <p>7 MS. SILVERMAN: For the record, Tom, we did 8 object to certain portions of the notice of taking 9 deposition. I believe we sent that to you. So if you 10 ask about one of those topics, I will be objecting, 11 but the witness can answer your questions for now.</p> <p>12 MR. LYONS: And that's fine, we did get 13 some objections, but let's just kind of go through 14 them and see --</p> <p>15 MS. SILVERMAN: That's fine, I just want it 16 on the record, that's fine.</p> <p>17 MR. LYONS: Okay. And we did get your 18 objections.</p> <p>19 Q. (Mr. Lyons) All right. So Ms. Buckley, 20 number A on page 1 of Exhibit 1 says, the facts 21 discussed in the plaintiff's complaint. Are you ready 22 to testify on behalf of USBank regarding those facts 23 that are set out in the complaint?</p> <p>24 MS. SILVERMAN: Objection to the word facts 25 but you can answer.</p>	<p style="text-align: right;">Page 24</p> <p>1 you looked at or would it be something else?</p> <p>2 A. That would be it exactly.</p> <p>3 (Plaintiff's, USBank Deposition Exhibit No. 4 9, Trans Union document, was then marked for 5 identification by the reporter.)</p> <p>6 Q. Okay. Anything else that are here on these 7 documents, or any of the letters, screen shots, or 8 Exhibit 9, which is a Trans Union document. I'm not 9 sure whether you've ever seen that or not but take a 10 look at it. Have you ever seen anything like 11 Exhibit 9?</p> <p>12 A. No.</p> <p>13 Q. Okay. So we know Exhibit 4 is a screen 14 shot. Anything else here that would be a screen shot?</p> <p>15 A. Looking through, yes.</p> <p>16 Q. Okay. What would they be?</p> <p>17 A. Number seven.</p> <p>18 (Plaintiff's, USBank Deposition Exhibit No. 19 7, Bates stamped documents USB/Baltz 000155, 156 and 20 157, was then marked for identification by the 21 reporter.)</p> <p>22 Q. All right. Number seven. I'm sorry. I 23 should have included that. Anything else?</p> <p>24 MS. SILVERMAN: Well, we don't have one of 25 the exhibits yet which was one of the letters.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes.</p> <p>2 Q. (Mr. Lyons) Okay. And then B, all account 3 information related to USBank bank account ending in 4 2818. Can you speak to that on behalf of USBank?</p> <p>5 A. Yes.</p> <p>6 Q. Item C, collection records, call notes and 7 history of the account ending in 2818. Can you talk 8 about that?</p> <p>9 A. Yes.</p> <p>10 Q. Screen shots of any kind related to the two 11 accounts. Let's break that up, this is item D. Have 12 you looked at any screen shots to prepare yourself for 13 today?</p> <p>14 MS. SILVERMAN: We did object to the term 15 two accounts because I do not believe there are two 16 accounts at issue in this case.</p> <p>17 MR. LYONS: All right. Good. Just to the 18 accounts, let's leave it at that.</p> <p>19 Q. (Mr. Lyons) Did you look at any screen 20 shots?</p> <p>21 A. I did.</p> <p>22 Q. Okay. Now, when I look at the exhibits 23 that are in front of you, what would be screen shots? 24 For instance, would they be in Exhibit 4, for 25 instance, would those be the type of screen shots that</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. LYONS: Yes.</p> <p>2 THE WITNESS: So assuming that's not a 3 screen shot, right, or should we wait for that?</p> <p>4 Q. (Mr. Lyons) All right. All right. Then 5 let's go down to credit reporting history information. 6 Is there any kind of a credit reporting history 7 information that you could look at on John Baltz at 8 USBank?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And where would that be set 11 out?</p> <p>12 A. So within the RMS notes.</p> <p>13 Q. Okay. All right. RMS notes. Anywhere 14 else?</p> <p>15 A. We did look at the ACDV line, that report 16 that just has the couple of codes on it.</p> <p>17 Q. That's --</p> <p>18 A. And within the notes.</p> <p>19 Q. That would be in Exhibit 4, correct?</p> <p>20 A. Yes, maybe. I don't -- yes, the RMS notes 21 are Exhibit 4 so yes, and then within the notes 22 themselves.</p> <p>23 Q. Okay. Anything in Exhibit 7 that would be 24 about credit reporting history?</p> <p>25 A. Let me look, please. No.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Okay. Have you looked at any AUD's or 2 ACDV's about John Baltz? 3 (An off-the-record discussion was held.) 4 Q. So did you look at AUD's, Ms. Buckley? 5 A. No. 6 Q. Okay. How about ACDV's? 7 A. No. 8 Q. And did you look at any of the month 9 information that was reported to any credit reporting 10 agency by USBank about John Baltz? 11 A. Only in that I looked at RMS to see what 12 RMS is reflecting, is reporting. 13 Q. Okay. So if you saw something on RMS, then 14 what would you do? Would you go outside of the RMS or 15 would you just look at what was on a particular page 16 of the RMS notes? 17 A. I'm not, I'm not following your question. 18 Q. This probably could have been my mistake. 19 I thought that when you looked at something in RMS 20 notes, you looked at something else besides the RMS 21 notes to confirm or explain what you saw in the RMS 22 notes, didn't you? 23 A. No. 24 Q. Okay. I misunderstood. So the things that 25 you've looked at really are essentially the documents</p>	<p style="text-align: right;">Page 28</p> <p>1 exhibits here? 2 A. I don't specifically recall. 3 Q. Okay. Did you make any inquiry into the E 4 Oscar process as to what they may have regarding John 5 Baltz and his disputes? 6 A. Did I, no. 7 Q. Okay. And no one that you interviewed had 8 done it either, correct? 9 A. No. 10 Q. All right. Look item G on page 2 of 11 Exhibit 1. Policy and procedure manuals. Did you 12 look at any of those policy and procedure manuals for 13 your testimony today? 14 A. No. 15 Q. Then ACDV investigations, AUD updating, you 16 didn't look at either of those, correct? 17 A. No. 18 Q. Then we see use of Metro II codes, that's 19 something you discussed with Christine, correct? 20 A. Not specifically Metro II. 21 Q. Okay. What codes do you think you were 22 looking at? 23 A. Oh, I'm sorry, the Metro II codes for the 24 ACDV, yes. 25 Q. Okay. And then, and that's, a code is</p>
<p style="text-align: right;">Page 27</p> <p>1 that are in front of you, the various exhibits that we 2 see here on the table in front of you; is that 3 correct? 4 A. Correct. 5 Q. Okay. Then item E on Exhibit 1, page 1, 6 copies of all written communications, payment 7 histories and charge slips for both, for, we'll just 8 say for the one account, I'm sorry, that's misleading, 9 but the one account. Is there anything that you 10 looked at in terms of communications, payment 11 histories, and charge slips? 12 A. I did look at letters. 13 (Plaintiff's, USBank Deposition Exhibit No. 14 6, Letter from USBank dated 6/28/05, was then marked 15 for identification by the reporter.) 16 (Plaintiff's, USBank Deposition Exhibit No. 17 8, 4 letters from USBank Bates stamped TU 000016, 15, 18 18 and 17, was then marked for identification by the 19 reporter.) 20 Q. Okay. The letters. We see those here, 21 they're exhibit, I think 6 and 7, or 6 and 8 that are 22 letters from USBank, correct? 23 A. I did look at those, yes. 24 Q. Okay. Did you look at any letters that 25 John Baltz sent to USBank although they're not</p>	<p style="text-align: right;">Page 29</p> <p>1 method of dealing with disputes through the E Oscar 2 program, you know that generally, correct? 3 A. Yes. 4 Q. All right. Then the next thing in item G 5 on page 2 is opening accounts. Did you check with 6 Mr. Thompson about opening accounts? 7 MS. SILVERMAN: Tom, I'm going to insert an 8 objection here. 9 MR. LYONS: Sure. 10 MS. SILVERMAN: You're asking about 11 policies and procedure manuals. 12 MR. LYONS: Yeah. 13 MS. SILVERMAN: And I think that we're 14 getting a little confused because then you're asking 15 questions that don't relate to policies and procedure 16 manuals. 17 MR. LYONS: No, I know that. 18 MS. SILVERMAN: You're talking about 19 conversations. I think it's a little confusing. 20 MR. LYONS: If she is confused or she looks 21 confused to you, then please interrupt. 22 Q. (Mr. Lyons) I'm going onto another area and 23 that is opening accounts. And is that what you spoke 24 to Mr. Thompson about how to open an account, 25 generally speaking?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. I talked to him about adding a co-applicant 2 to an account. 3 Q. All right. And then was there any 4 discussion with him about without signatures of the 5 co-applicant, which is the next few words there on 6 page 2 of item G? 7 A. No. 8 Q. Okay. And then how did you talk to him 9 about altering or changing account data after one of 10 the obligors on a card, a credit card, files 11 bankruptcy? 12 A. Restate your question, please. 13 Q. Okay. Did you speak with Mr. Thompson or 14 anybody about altering or changing account data at 15 USBank after one of the obligors on the card files 16 bankruptcy? 17 A. No. 18 Q. Okay. Okay. 19 MR. LYONS: Get an e-mail from us yet, 20 Ellen? 21 MS. SILVERMAN: I do. Except we would need 22 to take a break to get that printed. 23 MR. LYONS: Okay. This is probably a good 24 time to get it printed because we're kind of finished 25 with Exhibit 1. Would that be permissible with</p>	<p style="text-align: right;">Page 32</p> <p>1 think we submit them to the Court, but we did exchange 2 them with the parties. 3 MR. LYONS: Okay. Good. You're right. We 4 didn't file it with the Court. 5 Q. (Mr. Lyons) And Stephanie, and it's 6 Stephanie Ane Buckley, that's your middle name? Is it 7 Stephanie Ann, did I get that right? 8 A. Yes, you do. 9 Q. Okay. And let's go over to page 4, and 10 your attorney has said that there may be some 11 documents related to the plaintiff's account, which 12 include documents related to the use of the account, 13 and what would be documents that would be related to 14 the use of an account at USBank? 15 A. Account statements and system records. 16 Q. Okay. Account statements, those are the 17 monthly statements to the cardholder? 18 A. Yes. 19 Q. And then there would be internal records, 20 which we've already marked as Exhibit 4, and exhibit, 21 excuse me, Exhibit 7, the other notes, correct, 22 USB0155? 23 A. Yes. 24 Q. Any other notes that I should know of 25 regarding the use of the account?</p>
<p style="text-align: right;">Page 31</p> <p>1 everybody? 2 MS. SILVERMAN: That's fine. Yeah. 3 MR. LYONS: Good. Let's get it. I'll 4 leave the phone open and when you come back, say, hey, 5 I'm back. Let's go. 6 MS. SILVERMAN: Okay. Sounds good. 7 MR. LYONS: Thank you very much. 8 MS. SILVERMAN: Thank you. 9 (A short break was then taken.) 10 (Plaintiff's, UsBank Deposition Exhibit No. 11 2, Rule 26(a)(1) Disclosures of Defendant U.S. Bank 12 National Association, was then marked for 13 identification by the reporter.) 14 Q. (Mr. Lyons) Ms. Buckley, you're still under 15 oath and are you ready to answer some questions? 16 A. Sure. 17 Q. All right. Let's take a look at Exhibit 18 Number 2. And Exhibit Number 2, do you have it in 19 your hands? 20 A. I literally do. 21 Q. This is a Rule 26(a) one disclosure that 22 has been prepared by your attorney and submitted to 23 the Court and we have a copy and so let's go to 24 page 3. 25 MS. SILVERMAN: Actually, Tom, I don't</p>	<p style="text-align: right;">Page 33</p> <p>1 A. No. 2 Q. All right. Then we got the account 3 statements. You've already told us about that. 4 Payments on the account. How do the payments on the 5 account show up? Would they be on the account 6 statement or on some other document? 7 A. They would be on the account statements. 8 Q. Okay. Then the next thing is credit 9 reporting on the account, what would that involve? 10 A. I'm not sure what you mean by, what would 11 that involve? 12 Q. Well, on page 4B your attorney has said a 13 description of documents, etc. that would be available 14 or under the control of USBank. And then it says, 15 documents related to the plaintiff's account. We've 16 gone through that. And then it says credit reporting 17 on the account, do you know what that means? 18 A. Like you're referring to the RMS credit 19 reporting status codes? 20 Q. No, no, that's collection records, that's 21 kind of the fifth item that's listed. But just to the 22 left of that where it says, credit reporting on the 23 account comma. Do you know what that means? 24 A. Within the collection records are status 25 codes which indicate credit reporting.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. So you're referring back then to the 2 RMS notes, right? 3 A. Yes. 4 (Plaintiff's, USBank Deposition Exhibit No. 5 3, Summons, was then marked for identification by the 6 reporter.) 7 Q. Okay. All right. Then let's take a look 8 at Exhibit Number 3. And Exhibit Number 3 starts off, 9 it's a summons, then the next page is a complaint, and 10 on page 1 there is a list of several pages, it goes 11 from one to almost the bottom of page 4, and it's 12 paragraph 4 through 30. So you can kind of just see 13 what I'm shooting at, and those are factual 14 statements. So let's see what you know about the 15 facts that have been alleged. You can look 16 paragraph four. Do you know the birth date of John 17 Baltz? 18 A. Do I know the birth date of him? I think 19 that may be in our records somewhere. Off the top of 20 my head, no. 21 Q. Okay. In May of 1988, he was a minor. Can 22 you agree with that or do you just not know about it? 23 A. I'd have to look at his date of birth. 24 Q. Okay. Now, in May of 1988, plaintiff's 25 great aunt, Mary Kay Patterson opened an account,</p>	<p style="text-align: right;">Page 36</p> <p>1 application. 2 Q. Okay. 3 A. The address, making sure it's filled in for 4 completeness. Do they have an income ability to 5 repay. 6 Q. All right. And how would you know about 7 the income, where does that, is that something that 8 the applicant has to put on the card or do you find it 9 out from some other source? 10 A. It can be asked on the application. 11 Q. And where else? 12 A. It may be included in the credit file if 13 they are employed. 14 Q. Okay. All right. Anything else that needs 15 to be analyzed by USBank before a credit card is 16 extended to an account holder? 17 A. Not that I can think of, no. 18 Q. And as, just as an aside, do you do the 19 same kind of a credit check on an authorized user who 20 is not obligated on the account? 21 A. No. 22 Q. Okay. Let's go down to number seven. In 23 1988 Mr. Baltz has indicated that he was a minor at 24 the time that Ms. Patterson applied for the card. Let 25 me ask you: Do you extend credit to individuals who</p>
<p style="text-align: right;">Page 35</p> <p>1 which is this account, I think it's 28, ending in 2 2818. Are you aware of that? 3 A. Yes. 4 Q. And at that time, she has said that she 5 applied for an individual credit card. Do you know 6 whether that is accurate or not? 7 A. Yes. 8 Q. Then in paragraph six, this is on page 2, 9 defendant processed Patterson's individual credit 10 application and granted her credit. How does credit 11 get granted by USBank when someone seeks a credit 12 card? 13 A. How does it get granted, via the credit 14 card itself. 15 Q. Okay. But how do you determine whether 16 that person is credit worthy to get a credit card from 17 USBank? 18 MS. SILVERMAN: You're speaking generally, 19 not specific to Mary Patterson, right? 20 MR. LYONS: Well, yeah, we can start 21 generally, yes. 22 Q. (Mr. Lyons) Generally, let's talk about 23 that. 24 A. Generally a review of the applicant's 25 credit takes place as well as a review of the</p>	<p style="text-align: right;">Page 37</p> <p>1 are a minor under the age of 18 in the state in which 2 they reside? 3 A. No. 4 Q. Now, from the records that you have looked 5 at, there's a statement in paragraph eight that says 6 that Mary Patterson contacted the defendant, USBank, 7 and requested to add both plaintiff and his brother, 8 Patrick, as authorized users on the account. Do the 9 records that you have looked at in any way show 10 Patrick's name on the account as an authorized user? 11 A. There are notes that indicate Patrick was 12 removed as an authorized user. 13 Q. Okay. I notice the removed part but is 14 there anything about adding him as an authorized user? 15 A. I don't recall seeing that. 16 Q. Okay. And then how about John, is there 17 any document that shows how John was added either as 18 an authorized user or as an obligor on the card? 19 A. I do not have a document in front of me 20 that indicates that, no. 21 Q. Okay. Would it be true that at some point, 22 USBank issued cards to both Patrick and plaintiff to 23 use credit sponsored by USBank? 24 A. Yes. 25 Q. Okay. And what kind of numbers would those</p>

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<p style="text-align: right;">Page 38</p> <p>1 cards bare? Would they have different numbers or the 2 same number that Ms. Patterson had?</p> <p>3 A. It's one account, all the credit cards 4 would have the same number on them.</p> <p>5 Q. Okay. Now, from the records that you've 6 looked at, did Patrick Baltz, that's the brother of 7 John Baltz, did he appear to use the card over the 8 years following the issuance of the card to him as an 9 authorized user?</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. There aren't any records that show 12 that, correct?</p> <p>13 A. None that I have in front of me, no.</p> <p>14 Q. Okay. And the only record that you really 15 have is that he was removed as an authorized user at 16 some point shown in the RMS notes, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Paragraph number 11, were accounts sent to 19 Peterson in her name and at her address in Roseville, 20 Minnesota?</p> <p>21 A. What are you asking me?</p> <p>22 Q. Have the account statements been sent to 23 Mary Patterson on account ending in 2818 in her name 24 only and to her address in Roseville, Minnesota?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 40</p> <p>1 point with respect to credit reporting, did the USBank 2 report that Mary Patterson was an obligor on the 3 credit card ending in 2818?"</p> <p>4 A. Yes.</p> <p>5 Q. (Mr. Lyons) Okay. And would that be 6 revealed in any records that you've looked at other 7 than the RMS notes?</p> <p>8 A. Well, by virtue of the fact that her name 9 is on the statements, she would have been reported to 10 the credit reporting agency each month. So I did 11 review statements.</p> <p>12 Q. Okay. And are you aware that USBank has 13 the opportunity to access the credit history of those 14 persons who have credit from USBank?</p> <p>15 A. Yes.</p> <p>16 Q. And do you know if that's done on a regular 17 basis, is it done monthly, or quarterly, or annually?</p> <p>18 A. There are periodic credit bureau checks for 19 line increases. So for changes to the account. It 20 then, not on a regular basis, but it would also be 21 done as part of collection efforts or could be done as 22 part of collection efforts.</p> <p>23 Q. Okay. Do you know if any such credit 24 checking was done by USBank after the card ending in 25 2818 was opened by Mary Patterson?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. To whom were they sent?</p> <p>2 A. I believe they were sent to both her and 3 John Baltz.</p> <p>4 Q. Okay. Were you aware that John has stated 5 that he has never lived in Roseville, Minnesota?</p> <p>6 A. No.</p> <p>7 Q. Do you know anything about what John has 8 told USBank regarding where he lives and has lived?</p> <p>9 A. Yes. I know that there are some notes 10 related to that. I can't recall specifically off the 11 top of my head what each one says though.</p> <p>12 Q. Okay. They would be shown in the RMS 13 notes?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Now, at some point with respect to 16 credit reporting, did the USBank report that Mary 17 Patterson was an obligor on the credit card ending in 18 2818?</p> <p>19 MS. SILVERMAN: Could you repeat that? I'm 20 sorry.</p> <p>21 MR. LYONS: Go ahead, Amy, read that back.</p> <p>22 Amy, would you, please, read that back.</p> <p>23 THE COURT REPORTER: Yes.</p> <p>24 (Whereupon, the last question was then read 25 by the reporter as follows: "Okay. Now, at some</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I did not specifically look for that.</p> <p>2 Q. Okay. Would it be set out in the RMS 3 notes?</p> <p>4 A. If as part of the collection efforts a 5 credit bureau was pulled, it could be in the RMS 6 notes, yes.</p> <p>7 Q. Okay. Is there anywhere elsewhere it would 8 be located if a matter was not in collection at the 9 time the credit was reviewed?</p> <p>10 A. I don't know the answer to that.</p> <p>11 Q. Okay. Who would know?</p> <p>12 A. Someone in our account initiation 13 department or potentially in our risk area.</p> <p>14 Q. Would that be in, would that be Corey 15 Thompson's department or somebody else?</p> <p>16 A. Corey Thompson might be able to answer that 17 question, yes.</p> <p>18 Q. Okay. Because he works in Fargo and he 19 understands about the process of the adding users to 20 accounts, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, would there be separate records 23 showing that separate from the RMS records?</p> <p>24 MS. SILVERMAN: Showing what? I'm sorry.</p> <p>25 Objection, vague.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. (Mr. Lyons) Okay. Do you understand it, 2 Ms. Buckley?</p> <p>3 A. No.</p> <p>4 Q. Well, RMS is recovery management, and 5 that's usually when an account is late or unpaid, 6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. So is there another set of 9 records that show what happens to an account, account 10 gets open, somebody gets added, somebody gets 11 withdrawn, etc., other than the RMS notes themselves?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. Exhibit 7 would also show that.</p> <p>15 Q. All right. Say that again, I was getting 16 ready to talk and I was not listening with my mouth 17 open. I'm sorry. What did you state?</p> <p>18 A. Exhibit 7 would also show that.</p> <p>19 Q. Oh, okay. Exhibit 7. Anything else 20 besides that?</p> <p>21 A. Ask your question again.</p> <p>22 Q. Okay. In terms of adding or changing an 23 account, other than what is set out in the RMS notes, 24 are there other notes that would contain that kind of 25 information of adding, or withdrawing, or whatever in</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. And this is a screen shot of the 2 system and why does it exist for John Baltz, can you 3 tell us that?</p> <p>4 A. Yes, because he's an obligor on the 5 account.</p> <p>6 Q. Okay. He's an obligor on the account. So 7 when was this created?</p> <p>8 A. I'm not sure what you mean by created.</p> <p>9 Q. John Baltz has been in the ICS system since 10 when? When would be the start date, when he became, 11 when he was on the card, or when the payments went 12 late, or when Mary Patterson became bankrupt, or what 13 would be the triggering date that would get Mr. Baltz 14 onto the ICS system?</p> <p>15 A. The triggering event would have been when 16 he became a co-applicant on the account.</p> <p>17 Q. Okay. So when you look at Exhibit 7, can 18 you tell when he became a co-applicant?</p> <p>19 A. No.</p> <p>20 Q. Pardon me?</p> <p>21 A. No.</p> <p>22 Q. Okay. Is there some document somewhere 23 that would show when he became a co-applicant?</p> <p>24 A. There probably was a document but the 25 document does not exist anymore.</p>
<p style="text-align: right;">Page 43</p> <p>1 terms of an account that is not subject to the RMS 2 process, which is recovery management, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. So when we look at Exhibit 7, what 5 is the title of that? It says at the top it's an 6 untitled document but in reality, what do you all call 7 it at USBank?</p> <p>8 A. I would call it an ICS screen print.</p> <p>9 Q. Okay. ICS, and what does the I stand for?</p> <p>10 A. Integrated.</p> <p>11 Q. Integrated. What's the C stand for?</p> <p>12 A. Card.</p> <p>13 Q. And the S is what?</p> <p>14 A. System.</p> <p>15 Q. And when would the ICS screen shot that we 16 see here in Exhibit 7, when would that be created?</p> <p>17 MS. SILVERMAN: Sorry, Tom, are you 18 referring to this specific Exhibit 7?</p> <p>19 MR. LYONS: Yes.</p> <p>20 Q. (Mr. Lyons) Exhibit 7, does that exist 21 without being reduced to a hard copy that we see here 22 as Exhibit 7 or does it have to be created at some 23 particular time?</p> <p>24 A. No, that's, that's a screen shot of the 25 system.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. All right. Are you acquainted with the 2 retention policy at USBank?</p> <p>3 A. We do have a retention policy, yes.</p> <p>4 Q. So if someone applies for credit as an 5 account holder, an obligor on the account, what is the 6 time period during which that document exists, is it, 7 you know, one year, two years, 85 weeks, is there 8 some --</p> <p>9 A. Generally, I believe, it's 27 months.</p> <p>10 Q. Okay. 27 months. And that's, if someone 11 applies, it requires a signature, I think you said 12 that earlier, correct?</p> <p>13 MS. SILVERMAN: I don't believe she did, 14 but she can testify to it if you'd like.</p> <p>15 Q. (Mr. Lyons) Okay. Does the application as 16 an obligor require a signature of some kind?</p> <p>17 A. Yes, but you can also apply for an account 18 online now. I don't think back in 1988 that that was 19 available.</p> <p>20 Q. When do you think that apply online took 21 place?</p> <p>22 A. I honestly don't know.</p> <p>23 Q. All right. So in terms of the obligation 24 that would be held for 27 months, let's say it was a 25 written application, would there be a credit report,</p>

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<p style="text-align: right;">Page 46</p> <p>1 or is it a one sheet paper where someone signs for and 2 applies it, and then the bank checks the credit and 3 confirms the credit, is that all on a sheet, or two 4 sheets, or how many sheets would be involved in that 5 application process before a card is issued?</p> <p>6 A. All right. So generally speaking, a credit 7 card application is a single page.</p> <p>8 Q. All right. And does the credit, does the 9 approval of credit also get affixed to that page by 10 someone at USBank or is there a separate page that 11 grants credit to the applicant for credit?</p> <p>12 A. I don't know.</p> <p>13 Q. All right. So the application is usually 14 one page?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And are you aware of why the 17 retention is 27 months on such a credit application?</p> <p>18 A. No. The retention periods are set by 19 USBank's legal department and corporate.</p> <p>20 Q. Okay. Okay. All right. Let's take a look 21 at the next exhibit. Okay. Sorry. Let's just stay 22 with Exhibit 3 again. Turn over to page 3 out of 23 exhibit, it's actually, it's actually the fourth page 24 of Exhibit 3, but it's got number three at the bottom 25 and it starts up at the top with paragraph number 18.</p>	<p style="text-align: right;">Page 48</p> <p>1 auxiliary code, but we call it aux code. 2 Q. Okay. I got it. Then under bad debt, it 3 says MC-G what is that? 4 A. MasterCard Gold. 5 Q. MasterCard Gold. And MasterCard Gold means 6 what, does that talk about credit limit, or years of 7 service, or what would that be? 8 A. Really? A MasterCard is a type of account. 9 So revolving cards are generally Visa and MasterCard. 10 This was a MasterCard account and it was a gold card. 11 Q. And what does the gold mean? 12 A. It means you're a gold customer. 13 Q. And further than that, what does it mean? 14 Does it mean that you have a higher credit rate or a 15 lower interest rate? 16 A. Generally, it's based on your credit score, 17 yes. 18 Q. Okay. 19 A. Or what you applied for. 20 Q. Okay. And is that shown anywhere on this 21 document, any one of these pages, there's three pages 22 here? 23 MS. SILVERMAN: Objection. Is what shown? 24 MR. LYONS: Yes, credit score. What credit 25 score?</p>
<p style="text-align: right;">Page 47</p> <p>1 Do you have that in front of you?</p> <p>2 A. Yes.</p> <p>3 Q. If we look at Exhibit 7, which is the ICS 4 system, what we -- let's go down line by line on 5 Exhibit 7. So we were on Exhibit 3 and now let's go 6 to Exhibit 7. We've got John Baltz. We got bad debt, 7 and we got DRS on that line. Who puts that 8 information onto the ICS, someone at USBank or is it 9 outside of USBank?</p> <p>10 A. Well, it's, they're USBank records so it 11 would be USBank.</p> <p>12 Q. Okay. And bad debt means what?</p> <p>13 A. Means the account has been charged off, 14 that's a systemic status code changed to the account.</p> <p>15 Q. Okay. And then DRS what does that mean?</p> <p>16 A. DR and S are aux codes. I would have to 17 look up specifically what that means.</p> <p>18 Q. Is that a code used within the ICS system?</p> <p>19 A. Yes.</p> <p>20 Q. And generally, what does it refer to?</p> <p>21 A. I can't answer that generally. There are 22 at least a hundred aux codes. I would have to look 23 these up to see what they mean systematically.</p> <p>24 Q. You say office code, O-F-F-I-C-E?</p> <p>25 A. No, I'm sorry. It's an aux code, A-U-X or</p>	<p style="text-align: right;">Page 49</p> <p>1 MS. SILVERMAN: Oh, okay. 2 Q. (Mr. Lyons) Is there any credit score 3 information on here? 4 A. Just a moment, please. I don't believe the 5 specific credit score is shown on here. 6 Q. Is there anything with respect to his 7 credit worthiness that's on Exhibit 7? 8 A. John Baltz's credit worthiness? 9 Q. Yes. 10 A. No. 11 Q. Okay. So we've got his address, his 12 apartment, zip code, and all that down at the 13 left-hand margin, and then going over to the center it 14 says, location, 06245 member. What does that mean? 15 A. Location code sometimes refers to how the 16 account was opened or where the account was opened. 17 So if they went into a specific branch, the location 18 code would indicate that branch number. 19 Q. Okay. So finding out that location, I'd 20 have to talk to who? 21 A. I would have to look that up. 22 Q. Okay. Is that something you can look up 23 right where you are now or how would you have to go 24 about that? 25 A. I could not do it from here, no. I'm in a</p>

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<p style="text-align: right;">Page 50</p> <p>1 conference room and I don't have a computer terminal 2 in front of me.</p> <p>3 Q. Okay. But can you do it from your desk?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then a member, what does the 6 member mean?</p> <p>7 A. It's the member since 05 of '88.</p> <p>8 Q. Okay. And whose the member referring to, 9 is that referring to John Baltz?</p> <p>10 A. The member is referring to the account has 11 been opened since 1988.</p> <p>12 Q. Okay. So member means account, doesn't 13 mean an individual; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Let me go down to the next line. There's a 16 phone number and then there's opened 10-01, and what 17 does that mean?</p> <p>18 A. That looks like there may have been a lost 19 or stolen on this account in which the credit card 20 number was, had to be changed. But I'd have to look 21 in more detail on that.</p> <p>22 Q. Okay. But if the credit card, when we look 23 at RMS, I think the same card has been collected on as 24 2818, and it was also opened originally from the 25 account notes that you looked at, it's always been</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I do not know. I think it means 2 established but I do not know for sure.</p> <p>3 Q. All right. And established means that 4 someone notified USBank of a lost or stolen credit 5 card, would that be true?</p> <p>6 A. Yes.</p> <p>7 Q. And then below stolen there's a word CIT, 8 do you know what that means?</p> <p>9 A. CIT generally refers to change in terms.</p> <p>10 Q. Change in terms. Now, what does that 11 usually imply, change in terms?</p> <p>12 A. It usually implies that some disclosure was 13 sent out, something changed on the account.</p> <p>14 Q. Okay. Change on the account or would there 15 be an increase in rates or is that not part of the 16 change in terms?</p> <p>17 A. That could be part of a change in terms.</p> <p>18 Q. Okay. And limit on the card, would that 19 also be a part of change in terms?</p> <p>20 A. It could, in fact, be, yes.</p> <p>21 Q. And if you added an authorized user, would 22 that also be a change in terms?</p> <p>23 A. No.</p> <p>24 Q. Why not?</p> <p>25 A. Because the terms on the account have not</p>
<p style="text-align: right;">Page 51</p> <p>1 2818, the ending numbers, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And usually when there's a lost or 4 stolen credit card, there is a change in the number, 5 correct?</p> <p>6 A. Usually, yes.</p> <p>7 Q. All right. And if there isn't a change in 8 the number, is there some explanation made why there 9 is no change in the number when it's lost or stolen?</p> <p>10 A. I believe sometimes if the entire balance 11 is based on that and the customer doesn't want an 12 account reissued, they may not provide a new account 13 number. But I'd have to consult with our front area 14 for more specifics.</p> <p>15 Q. And then the opened in 10-01, what does 16 that mean?</p> <p>17 A. I believe that that's referencing the, this 18 particular account number as a change from prior, but 19 I'd have to look that up to be...</p> <p>20 Q. So the 10-01 opened would relate to reason 21 EST, lost or stolen, correct, that all go together?</p> <p>22 A. I have to verify that to be a hundred 23 percent sure.</p> <p>24 Q. All right. What does the EST mean in that 25 line?</p>	<p style="text-align: right;">Page 53</p> <p>1 changed.</p> <p>2 Q. But the authorized user who can use the 3 card, that is a change, correct?</p> <p>4 MS. SILVERMAN: Objection, asked and 5 answered.</p> <p>6 Q. (Mr. Lyons) Okay. Go ahead, ma'am, an 7 authorized user would be a change in terms; is that 8 correct?</p> <p>9 A. No.</p> <p>10 Q. How would it be possible for Patrick, for 11 instance, Patrick Baltz to use the card, would that 12 require some kind of a change in the way that the 13 cards are processed or no?</p> <p>14 A. Well, he could not use this account, it's 15 charged off as a bad debt.</p> <p>16 Q. Well, okay, at that time, but this says --</p> <p>17 I'm sorry. I'm a little bit confused. Let's go back 18 to opened. 10-01, reason, established, lost or 19 stolen, was the card closed at 10-01?</p> <p>20 A. I don't have that information in front of 21 me.</p> <p>22 Q. Okay. Would, does the RMS code tell us 23 when the account went late or was not being paid or 24 got charged off?</p> <p>25 A. Yes, it could tell us that. I don't know</p>

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<p>1 specifically which screens are there, but, yes, it 2 could tell us that.</p> <p>3 Q. Okay. Then let's take a look through 4 there. I don't know how far back this RMS goes. 5 Looks like it's back in '03.</p> <p>6 MS. SILVERMAN: Are you looking at 7 Exhibit 4 now, Tom?</p> <p>8 MR. LYONS: Yeah, Exhibit 4.</p> <p>9 MS. SILVERMAN: Okay.</p> <p>10 Q. (Mr. Lyons) Look back at 154 and 153. 11 Would it seem to you that this thing was created back 12 in '03 or '04, this RMS?</p> <p>13 A. I'm not sure what you mean when you say 14 created.</p> <p>15 Q. Well, there doesn't seem -- we know that 16 the card was open in 1988, correct?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Are there any -- is there any RMS that 19 exist between '88 and 2003, which is an entry shown on 20 00154?</p> <p>21 A. I'm not following what he's saying, but I 22 don't -- no, I don't think so. But I'm not completely 23 following what you're looking at and what you're 24 asking me.</p> <p>25 Q. Okay. Well, let's look at USBaltz-000154,</p>	<p>1 A. No. 2 Q. All right. So at some point, it became a 3 bad debt card, correct? 4 A. Yes. 5 Q. And when it became a bad debt card, is that 6 when these entries were made in the ICS system? 7 A. What entries? 8 Q. The entries we're looking at in Exhibit 7? 9 A. No. 10 Q. Okay. So what was entered first, and based 11 on your experience, what year was entered first in the 12 ICS system? 13 A. I'm very sorry. I am not following what 14 you're asking me. 15 Q. Okay. We're looking at a hard copy here of 16 Exhibit 7, which is part of the ICS system, correct? 17 A. Correct. 18 Q. All right. When would the first entry into 19 the ICS system on John Baltz be made? 20 A. When he was added as a co-applicant. 21 Q. And when was that? 22 A. I do not have that date. 23 Q. Okay. What, when you look at Exhibit 7, 24 what would be the first entry that was made in the ICS 25 system on John Baltz shown in Exhibit 7?</p>
<p>1 which is part of Exhibit 4, the last page. There's 2 some entries there from April of 2004 and May of 2003. 3 A. That's not my last page.</p> <p>4 MS. SILVERMAN: Hold on. We're looking at 5 two different exhibits to try to connect them. So it 6 takes a couple of seconds. Sorry.</p> <p>7 MR. LYONS: 4A is kind of illegible.</p> <p>8 MS. SILVERMAN: Right, right.</p> <p>9 MR. LYONS: 4B might show the page.</p> <p>10 MS. SILVERMAN: All right. We've got it.</p> <p>11 Q. (Mr. Lyons) Okay. When you look at the 12 page that's got the date on it of 5-07-03, do you see 13 that?</p> <p>14 A. Yes.</p> <p>15 Q. And then another entry is 4-26-04. I don't 16 see anything in the RMS notes that I have, which is 17 Exhibit 4A, or 4B, I don't have 4B, but I'm assuming 18 it's similar, I don't see anything that marks earlier 19 than '03, do you?</p> <p>20 A. No, not with what I'm looking at, no.</p> <p>21 Q. Okay. So when we look at Exhibit 7, and it 22 talks about opened '01, reason EST, lost or stolen, 23 change in terms, what would the meaning of that be? 24 That card was not a bad debt in 10,000 or in October 25 of 2001, was it, the card number, or ending in 2818?</p>	<p>1 A. I'm sorry. I'm still not following what 2 you're trying to ask me here. 3 Q. Okay. How does a person -- how does John 4 Baltz get entered into the ICS system? 5 A. Oh, how does he get entered? 6 Q. Yes. 7 A. Okay. When we received the form for him to 8 be added as a co-applicant or joint owner of the 9 account, he would have been entered into the system. 10 Q. Okay. Now, knowing that, is there anywhere 11 on Exhibit 7 that tells you when that occurred? 12 MS. SILVERMAN: Objection, asked and 13 answered. Go ahead. 14 A. No. 15 Q. (Mr. Lyons) All right. Do you know a 16 reason why it's not something that you can see on 17 Exhibit 7? 18 A. It's not a field on the system. 19 Q. Okay. So looking at this, and there's 20 another record in here that says apparently Mr. Baltz 21 was added before 2003. Were you aware of that? 22 MS. SILVERMAN: Are you referring to 23 another exhibit? 24 MR. LYONS: Yes. Somewhere. 25 Q. (Mr. Lyons) But based on your experience</p>

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<p style="text-align: right;">Page 58</p> <p>1 looking at this account, looking at these records, 2 Mr. Baltz was added at sometime before 2003; is that 3 correct? 4 A. Based on the information in the letter, 5 yes. 6 Q. Okay. Now, having that in mind, what would 7 be the first entry on ICS that is shown on Exhibit 7 8 either by a line, or a page, or something that shows 9 when an entry was made in the ICS system for John 10 Baltz? 11 A. I don't understand what you're asking. 12 Q. Okay. Well, his name and address 13 apparently was entered in the ICS system when he 14 became a joint holder according to USBank; is that 15 true? 16 A. Yes. 17 Q. The bad debt that we see at the top, that 18 wasn't put on when he first was added to the ICS 19 system, correct? 20 A. No, that was added when he stopped paying. 21 Q. All right. And then the 10-01, opened 10 22 slash 01, reason, lost or stolen, and change in terms. 23 When would that have been entered into the ICS system? 24 A. In 10 of '01. 25 Q. Pardon me?</p>	<p style="text-align: right;">Page 60</p> <p>1 account at some time, but USBank does not know when he 2 was added to this account, correct? 3 A. Correct, sometime prior to 2003. 4 Q. Okay. And that's based on one of the 5 letters that we'll look at in a second; is that true? 6 A. Yes. 7 Q. Okay. So let's go down, we've got a 8 previous production on, under the phone number, it 9 says: PREV PROD 744. Do you know what that means? 10 A. Looks like it's referring to the previous 11 product code. 12 Q. And what would a previous product code be? 13 A. 744. 14 Q. And what does that mean? 15 A. I would have to look it up. 16 Q. And is that on the auxiliary code or some 17 other code? 18 A. That's a product code, it's not an aux 19 code. 20 Q. Okay. And just off the top of your head, 21 you can't make out what 744 means? 22 A. No. 23 Q. What generally would it mean in terms of 24 what products were available? 25 A. It generally refers to the terms of the</p>
<p style="text-align: right;">Page 59</p> <p>1 A. In 10 of '01. 2 Q. All right. Is there anything on this 3 document, ICS system regarding John Baltz that 4 indicates that anything was added before 10, excuse 5 me -- strike that. Is there anything on Exhibit 7 6 that shows any entry earlier than October of 2001? 7 MS. SILVERMAN: Objection, I think she's 8 already testified to that. 9 MR. LYONS: Well, it's okay. 10 Q. (Mr. Lyons) Go ahead. 11 A. I don't know if I have or haven't. I'm 12 very confused. I apologize. I just don't... 13 Q. Well, does this get, does this IC system 14 get amended or added to from when it is first created? 15 A. Yes. 16 Q. Okay. Now, you believe that this was 17 created in October of 2001, correct? 18 A. No. 19 Q. You think it was created when he became a 20 holder of the account, correct? 21 A. No. The screen would have existed from 22 when the account was opened. 23 Q. So that would be back in May of 1988? 24 A. Right. 25 Q. Okay. And John Baltz's name got on that</p>	<p style="text-align: right;">Page 61</p> <p>1 account. So the interest rate, the fees that would be 2 applicable on the account, that type of thing, that's 3 what the product code represents. 4 Q. And would an authorized user be part of the 5 previous code? 6 A. I don't know what you mean by that. 7 Q. Well, you said the terms, that would be the 8 interest rate, limit, and all that. Would a person 9 who is an authorized user, would that be part of the 10 product 744 or whatever number might apply to that? 11 A. Your question doesn't make sense. I'm 12 sorry. 13 Q. Okay. Previous product has nothing to do 14 with an individual using the card; is that your 15 testimony? 16 A. Correct. 17 Q. Okay. Then let's go down to card active 18 5-25-2004. What does that mean? 19 A. I believe that refers to the active date of 20 the last cards that were mailed. 21 Q. Okay. And do you know if that was mailed 22 to Patrick or to John Baltz or to Mary Patterson? 23 A. Well, if each of them were listed on the 24 account, they would have each gotten one. 25 Q. All right. But do you know the reason why</p>

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<p style="text-align: right;">Page 62</p> <p>1 5-25-04 appears, we know that that's because a card 2 was issued, but do we know why? 3 A. My assumption would be that cards expire 4 periodically and new ones are sent. 5 Q. Okay. Any other one besides a new one was 6 sent, would there be any other reason? 7 A. Not that I'm aware of. 8 Q. All right. Then below that is SRC05001. 9 What does that mean? 10 A. I am not familiar with that code. 11 Q. All right. Then the next line is SS number 12 471-98-0548, and that is a Social Security Number 13 that's associated with John Baltz? 14 A. Yes. 15 Q. Okay. Then there's a word next to it, it 16 says unknown. What does that field usually have in it 17 if not the word unknown? 18 A. Actually it usually has unknown because we 19 don't usually populate the income in there, which is 20 what the INC means immediately following the unknown. 21 Q. All right. So that's income? 22 A. Yeah. 23 Q. And usually that's something that is 24 determined when an obligor applies for a card; is that 25 correct?</p>	<p style="text-align: right;">Page 64</p> <p>1 next to it and what would that apply to? 2 A. I'm not sure. I would have to... 3 Q. Look that up? 4 A. Yep. 5 Q. Okay. Then we go down to the next, we go 6 to number card, three, fee. What does that mean, 7 number card, three, fee? 8 A. The number of cards issued was three. 9 Q. Okay. And then the fee, what does the fee 10 mean? 11 A. In that particular area, I'm not sure. 12 Q. Okay. And then it says waive? 13 A. Waived zero. 14 Q. What does that mean? 15 A. Yeah, it seems to be indicating that 16 there's no need to waive a fee but I would have to 17 verify that information. 18 Q. Then we have statement X, what does that 19 mean? 20 A. I am not sure what the X means, but the C 21 is referring to the default design of the statement. 22 Q. Okay. Okay. So the C design, what is C 23 design, do you know what that means? 24 A. It's the default design of the statement. 25 Q. Okay. Is there only one form of statement</p>
<p style="text-align: right;">Page 63</p> <p>1 A. That's something usually provided. 2 Q. Okay. And then we've got the next thing is 3 unknown, does that go with DEPS? 4 A. That might go with dependents, I would have 5 to clarify that. 6 Q. Okay. What does the unknown mean? 7 A. It might mean we don't know if there's any 8 dependents. 9 Q. And then the zero goes with what? 10 A. It may go with age or it may go with 11 dependents. I would have to do some verification on 12 that. 13 Q. Then we go over to age and there's an 14 unknown there. What, why would age be important to 15 USBank? 16 A. We don't generally populate this field, 17 it's a field that was created when the system was made 18 or programmed years ago. 19 Q. Okay. And I suppose you don't want to 20 issue a card to a minor, correct? 21 A. Correct. 22 Q. I didn't hear your answer, excuse me. Is 23 that correct? 24 A. I said correct, yes. 25 Q. Okay. And then we've got another unknown</p>	<p style="text-align: right;">Page 65</p> <p>1 or would there be other reasons for having different 2 forms of the statement design? 3 A. There would be other reasons for having 4 different designs on the statement. 5 Q. So that would be like for a business card 6 or something like that? 7 A. Correct. 8 Q. Okay. Anything else besides business or 9 personal? 10 A. It could be an alawn (phonetic) account, 11 which are issued by USBank. 12 Q. Okay. Anything else? 13 A. It could be a joint issuance partner, it 14 could be an affinity account, any of those things. 15 Q. A joint issuance partner, would be what? 16 There would be USBank and some other entity? 17 A. Yes. 18 Q. Like what, a college? 19 A. It could be a college, sure. 20 Q. All right. Then let's go to ESOM, do they 21 go together? 22 A. I don't know what the ESO stands for. So I 23 can't say for sure. 24 Q. Okay. Then the letter DU, or the words DUN 25 do you know what that means?</p>

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<p>1 A. No.</p> <p>2 Q. Okay. Filmed number, does that mean</p> <p>3 anything?</p> <p>4 A. No.</p> <p>5 Q. Let's go down to the next level. We've got</p> <p>6 pin, P-I-N, what does that mean?</p> <p>7 A. I believe it's referring to the pin</p> <p>8 associated with an account for if you wanted to make</p> <p>9 cash advances.</p> <p>10 Q. Okay. And then EA means what?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. And then TYP, what does that mean?</p> <p>13 A. I believe it means type.</p> <p>14 Q. And then IC, what does that mean?</p> <p>15 A. I believe it's referring to the overdraft,</p> <p>16 there may have been an overdraft product on this</p> <p>17 account. I would have to look.</p> <p>18 Q. All right. And that's, IC overdraft is</p> <p>19 behind it, correct?</p> <p>20 A. Yes.</p> <p>21 Q. The next word I mean. And IC, do you know</p> <p>22 what IC means, those letters?</p> <p>23 A. No. I'd have to look that up. I believe</p> <p>24 that refers to some type of an overdraft product but</p> <p>25 I'd have to inquire.</p>	<p>1 financial institution, if there was one, that was</p> <p>2 participating with us on the account.</p> <p>3 Q. Okay. And then we see 00. So there</p> <p>4 probably is no partnership, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And then CUR 15,858.84, what does that</p> <p>7 mean?</p> <p>8 A. It's referring to the balance.</p> <p>9 Q. Then high credit, or HICR, what does that</p> <p>10 mean?</p> <p>11 A. High credit.</p> <p>12 Q. And what is the high credit on this card?</p> <p>13 A. \$19,484.</p> <p>14 Q. All right. And then LST ACT 1/31/06, what</p> <p>15 does that mean?</p> <p>16 A. Last activity.</p> <p>17 Q. Okay. And what would the last activity</p> <p>18 have been, a charge or a payment?</p> <p>19 A. I don't know. I'd have to look at</p> <p>20 statements.</p> <p>21 Q. And then we go over to CRSCR 1000, what</p> <p>22 does that mean?</p> <p>23 A. I do not know.</p> <p>24 Q. Okay. Then we go back to the left margin,</p> <p>25 available credit, what is that, 674, what does that</p>
<p>1 Q. And then there's a 0 behind it. So does</p> <p>2 that mean that there would be no such overdraft</p> <p>3 product?</p> <p>4 A. I could not confirm that. So I would have</p> <p>5 to look it up.</p> <p>6 Q. All right. Then next thing is cash Y, what</p> <p>7 does that mean?</p> <p>8 A. Were they available to take cash advance.</p> <p>9 Q. All right. And then the bank number, what</p> <p>10 does that refer to?</p> <p>11 A. It can refer to a branch that the account</p> <p>12 is affiliated with.</p> <p>13 Q. Okay. And that would be a USBank branch?</p> <p>14 A. Yes, generally speaking.</p> <p>15 Q. Okay. And then MONREJ, what does that</p> <p>16 mean?</p> <p>17 A. I do not know. I'd have to find out.</p> <p>18 Q. All right. And then DCN, do they go</p> <p>19 together DC space N?</p> <p>20 A. I don't know.</p> <p>21 Q. And we are looking at 0155 of Exhibit 7,</p> <p>22 just to keep the record current. All right. Then we</p> <p>23 go down to the next line part and there's a</p> <p>24 percentage. What does that mean?</p> <p>25 A. That would refer to a participating</p>	<p>1 mean?</p> <p>2 A. 647.</p> <p>3 MS. SILVERMAN: 647.</p> <p>4 A. It's referring to how much available</p> <p>5 credit, how much available is in the credit line.</p> <p>6 Q. (Mr. Lyons) Okay. And what, can you tell</p> <p>7 from looking at this what the credit line is?</p> <p>8 A. What the credit line was because right now</p> <p>9 they can't use the account.</p> <p>10 Q. Okay. What was the credit line?</p> <p>11 A. It was a credit line of 1,600, excuse me,</p> <p>12 \$16,500.</p> <p>13 Q. Okay. And then the RIP, what does that</p> <p>14 mean?</p> <p>15 A. I don't know.</p> <p>16 Q. CURARR, what does that mean?</p> <p>17 A. I do not know.</p> <p>18 Q. And then we've got 0 expiration date 5 of</p> <p>19 '07, what does that mean?</p> <p>20 A. The expiration date was 5 of '07.</p> <p>21 Q. But at that time, the card can't be used</p> <p>22 after 5 of '07. But right now, because it's not being</p> <p>23 timely paid, it can't be used either, correct?</p> <p>24 A. Right.</p> <p>25 Q. Okay. Then we've got CRSCR 2000, what does</p>

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<p>1 that mean?</p> <p>2 A. I do not know.</p> <p>3 Q. Okay. Then we go down to the left, or the 4 left margin on the next line, CR, what does that mean?</p> <p>5 A. Where is he? I lost you. I'm sorry.</p> <p>6 Q. The next line.</p> <p>7 MS. SILVERMAN: CR limit.</p> <p>8 A. CR limit, is that what you're referring to?</p> <p>9 Q. (Mr. Lyons) Yes, ma'am.</p> <p>10 A. That means credit limit.</p> <p>11 Q. Okay. And then there's nothing in there 12 after credit limit, correct?</p> <p>13 A. It's located below.</p> <p>14 Q. Okay. All right. So now, these are 15 headings for credit limit is sixteen five, eleven 16 five, and origin, are those all three credit limits 17 that were applied to this card at one time?</p> <p>18 A. Yes.</p> <p>19 Q. So there could have been some change in 20 terms between eleven five and sixteen five?</p> <p>21 A. There could have been, yes.</p> <p>22 Q. All right. So then let's go to the next 23 line over, or the next thing over. You've got a total 24 of 15,853.84 that is the current outstanding balance, 25 correct, or at that time?</p>	<p>1 Q. Okay. It's showing it here, but is there a 2 CIT related to that, or is that the CIT we see above 3 on the right-hand margin, which is CIT change in 4 terms. Does that have a particular date associated 5 with that CIT?</p> <p>6 A. It would have to be looked up.</p> <p>7 Q. Okay. And where would you look this up?</p> <p>8 A. I would start by calling some different 9 folks at the bank.</p> <p>10 Q. Okay. Then we go over to date of last, and 11 looking at date of last, and then there are some 12 entries below that line starting from the left margin, 13 it says delinquent 30, 60, 90, etc. is that read from 14 left to right on each line or is it read up and down? 15 Can you tell me how this ICS is read from that point 16 going on, that point, date of last it the bottom of 17 the sheet, 0155?</p> <p>18 A. So you're looking at it, it's, you know, 19 there's payment, there's purchase, there's 20 transaction, and then the dates associated with those.</p> <p>21 Q. Right. So what happened beneath date of 22 last COL, is that a collection call or what would that 23 be, COL?</p> <p>24 A. No, it would not refer to a collection 25 call, it may have been the date it entered</p>
<p>1 A. At that time, yes.</p> <p>2 Q. Okay. Then below that, CAB, what does that 3 mean?</p> <p>4 A. I don't know what CAB means.</p> <p>5 Q. Okay. And then below that, DT06012000, 6 what does that mean?</p> <p>7 A. Date.</p> <p>8 Q. Okay. It says 06-01-2000, how does that 9 get into this IC system, as far as you know? What 10 does it refer to?</p> <p>11 A. I believe that it's referencing the 12 previous credit limit but I'd have to verify that.</p> <p>13 Q. Okay. So if it's a date, and then when we 14 go to the left, we see previous eleven five hundred, 15 correct?</p> <p>16 A. Right.</p> <p>17 Q. And somehow it got changed from eleven five 18 to sixteen five for the use of this card if, in fact, 19 it was timely paid, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Now, would that be out of the ICS somewhere 22 or an RMS listing somewhere showing that effort to 23 increase the credit line?</p> <p>24 A. It's showing it right there, I'm not sure 25 what...</p>	<p>1 collections. I'd have to verify that.</p> <p>2 Q. Okay. Then below that there's a payment, 3 that would be a payment on the card?</p> <p>4 A. Yes.</p> <p>5 Q. And then purchase, what does that mean, 6 06/03/05?</p> <p>7 A. It means the last time somebody used the 8 card.</p> <p>9 Q. All right. And then trans 01/ 31/06?</p> <p>10 A. Some type of transaction.</p> <p>11 Q. All right. And then NONMOM 05/01/08. What 12 does that mean?</p> <p>13 A. It's referring to a non-monetary activity 14 on the account.</p> <p>15 Q. What would that be? What would be an 16 example of that?</p> <p>17 A. A customer service note could be a 18 non-monetary activity.</p> <p>19 Q. Okay. Would that be in the RMS area?</p> <p>20 A. It does transfer to RMS at the time the 21 account is charged off.</p> <p>22 Q. All right. Okay. And then we have, back 23 up a few lines where it says NO and amount of, what do 24 those relate to?</p> <p>25 A. Number and amount of.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. And so there was no payment, no return, no 2 credit attachment, no direct adjustment? 3 A. Well, this account is charged off so... 4 Q. Okay. And then let's go over to the 5 left-hand margin. We've got delinquent, 30, 60, 90, 6 12, 15, and then below that is open. What does open 7 mean 1111? 8 A. It's referring to when they -- I'm not sure 9 the difference between open and issued -- but it 10 refers to the number of months delinquent. 11 Q. Okay. So would this be reported to a 12 credit reporting agency or do you know? 13 A. We report monthly to the credit reporting 14 agency based on the payments and activity of the 15 account. 16 Q. Would this ICS figure into the reporting on 17 John Baltz? 18 A. Any delinquency or nonpayment would have 19 been reported to the credit bureaus, yes. 20 Q. All right. Then let's go over to the next 21 page. Is that one the purposes of the ICS, that it 22 does report or is it a separate operation from credit 23 reporting? 24 A. I'm not sure that I'm completely following 25 you but credit reporting is derived from the system of</p>	<p style="text-align: right;">Page 76</p> <p>1 accommodate; otherwise, we're going to kind of press 2 on. 3 Q. (Mr. Lyons) Let's go back to Exhibit 3. 4 A. Okay. 5 Q. And let's then look at in June of 2005, 6 plaintiff, John Baltz and Patterson, began to dispute 7 the appearance of the account on plaintiff's credit 8 profile with the defendant. Are you aware of any type 9 of dispute that was made in 2005 to USBank by 10 Mr. Baltz? 11 MS. SILVERMAN: I'm going to object to the 12 word dispute but you can answer the question. 13 MR. LYONS: Okay. 14 A. I know that there were some phone calls and 15 letters. I'd have to look at the RMS notes for 16 specific information. 17 Q. (Mr. Lyons) All right. Well, let's start 18 in June of 2005. Let's see if we can find that in 19 Exhibit 4 and see what the RMS shows us. So let's go, 20 let's take a look at Exhibit 4 and direct my attention 21 to this disputing matter. 22 A. Are you asking me a question or are you 23 taking me to another exhibit to ask me a question? 24 Q. You said it would be in the RMS. 25 A. Okay.</p>
<p style="text-align: right;">Page 75</p> <p>1 record. 2 Q. And this is one of the records -- 3 A. This would be -- 4 Q. -- this ICS? 5 A. ICS is the system of record prior to charge 6 off, yes. 7 Q. All right. So then we go over to the 8 second page, 0156, and generally speaking, what is 9 shown here? 10 A. The balance, you have a last statement 11 balance, you have a payment due date that was showing. 12 Q. And then let's go over to page 3, this is 13 0157 of Exhibit 7. What does this show? 14 A. Well, it doesn't really show anything 15 because this account is charged off. Had this account 16 been a good account, it would show you by month like 17 the total dollars of purchases, the total dollars of 18 cash advance, the interest billed, the fees billed, 19 and the payments applied against it. 20 Q. Okay. And this says no history found for 21 this account, correct? 22 A. Correct, because it's charged off. 23 Q. All right. Okay. 24 MR. LYONS: Any time anybody wants to 25 stretch their legs, go ahead and say so and we'll</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And I'm curious as to where that would be? 2 A. It would be within the notes section. 3 Q. Okay. And what page would it be on? 4 MS. SILVERMAN: We have to correlate them. 5 A. I don't know that we can do the pages yet 6 so hold on. 7 Q. (Mr. Lyons) Okay. 8 A. And there are notes on September 28th of 9 2005, is that what you're referring to? 10 Q. Well, it shows, yes, yes, June 28th -- 11 actually in June, paragraph 20 of the complaint, it 12 says that plaintiff and Patterson began to dispute the 13 appearance of the account on plaintiff's credit 14 profile with the defendant directly. So is there any 15 note RMS where something was brought to the attention 16 of USBank in June of 2005 regarding this account? 17 A. Let me go to June. Sorry. I was in 18 September. 19 Q. Okay. 20 A. There is a note in June on June 18th. 21 Q. All right. And I'm looking at 4A, and it 22 says USBaltz 0148. Can you look at 4A, take a look at 23 0148 and see if that is similar to the page that you 24 are reading on 4B? 25 A. Yes, I can do that, just a moment. Yes, it</p>

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<p style="text-align: right;">Page 78</p> <p>1 is.</p> <p>2 Q. So what happens in June shown on an RMS,</p> <p>3 what happened there?</p> <p>4 A. So on June 18th, there was a supervisor</p> <p>5 escalation where the cardholder insists the secondary</p> <p>6 cardholder was never a joint owner only an authorized</p> <p>7 user. Sending requests to service to research and</p> <p>8 send copy of form to cardholder.</p> <p>9 Q. Okay. What is the form that's being</p> <p>10 discussed there?</p> <p>11 A. Where he was added onto the account. Where</p> <p>12 he signed to be a liable party.</p> <p>13 Q. And was there an account, or excuse me, was</p> <p>14 there a form found at that time when they were looking</p> <p>15 for it --</p> <p>16 A. No.</p> <p>17 Q. -- in June of 2005?</p> <p>18 A. No, there was not one at that time.</p> <p>19 Q. And you believe that that's because of the</p> <p>20 retention policy for the one sheet application had</p> <p>21 come and gone and that sheet was most likely</p> <p>22 destroyed; is that your testimony?</p> <p>23 A. I don't know if it was because of retention</p> <p>24 or another reason but...</p> <p>25 Q. Okay. Now, that 6-18, let's go back down</p>	<p style="text-align: right;">Page 80</p> <p>1 back to 148, which we were just looking at as part of</p> <p>2 Exhibit 4.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Looks like a letter was sent to the</p> <p>5 shareholder, and it says unable to find shareholder at</p> <p>6 per time. Do you see that letter that I'm looking?</p> <p>7 A. Yes, but that is referring to the secondary</p> <p>8 cardholder, not a shareholder.</p> <p>9 Q. Okay. Sorry.</p> <p>10 A. That's okay.</p> <p>11 Q. I misspoke. So the S is the secondary</p> <p>12 cardholder. So you were unable to find that card at</p> <p>13 that time, or find, able to find the application,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And then when we look at Exhibit Number 6,</p> <p>17 that is a letter that was sent in June of 2005 to Mary</p> <p>18 Patterson and John Baltz, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Now, having Exhibit 6 there, then</p> <p>21 take a look at Exhibit 8.</p> <p>22 MS. SILVERMAN: Hold on.</p> <p>23 A. Hold on, we're not there.</p> <p>24 Q. (Mr. Lyons) Exhibit 8 is letters.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 79</p> <p>1 to 6-03, on the same page, 4A, and it says the code is</p> <p>2 90LPR, what does that mean? Does that mean a letter</p> <p>3 went out, a letter came in?</p> <p>4 A. It doesn't actually mean that at all, it's</p> <p>5 the status code at the time that the notes from ICS</p> <p>6 were applied to the RMS system when the account</p> <p>7 charged off.</p> <p>8 Q. Okay. So automatic transfer from 0L1 to</p> <p>9 0L001, what does that mean?</p> <p>10 A. That refers to que changes within the</p> <p>11 collection system.</p> <p>12 Q. Okay. So was the card charged off at that</p> <p>13 time?</p> <p>14 A. Hold on just a moment, please. No, in</p> <p>15 2005, no.</p> <p>16 Q. Okay. So what would the automatic transfer</p> <p>17 be for from 0L1 to 0L001?</p> <p>18 A. Since the account was delinquent, I believe</p> <p>19 the 0L1 to the 0L01 may have referred to an over</p> <p>20 limit status within the account.</p> <p>21 Q. Okay. Then let's go to 0147, which is in</p> <p>22 July.</p> <p>23 A. Hold on, hold on, because I've got to match</p> <p>24 the two documents. So give me just a second. Okay.</p> <p>25 Q. All right. Let's go, I'm sorry, let's go</p>	<p style="text-align: right;">Page 81</p> <p>1 MS. SILVERMAN: Yeah.</p> <p>2 Q. (Mr. Lyons) Now, these documents were</p> <p>3 produced by Trans Union, and that's why they have the</p> <p>4 Trans Union numbers down in the lower right-hand</p> <p>5 corner.</p> <p>6 A. What?</p> <p>7 Q. They appear to be from USBank to Mary</p> <p>8 Patterson. Does that appear to you to be the case</p> <p>9 when you look at Exhibit 8 TU0016?</p> <p>10 A. On 0016, yes, that is a communication with</p> <p>11 Mary Patterson, yes.</p> <p>12 Q. Okay. So that's September 2nd, 2005, and</p> <p>13 then we have September 7th, 2005, as TU0015, then we</p> <p>14 have TU018, still again part of Exhibit 8, that's to</p> <p>15 Mary Patterson, and then there is a October 4th, 2005,</p> <p>16 letter sent to Mary Patterson. And it says: Dear</p> <p>17 Mary K. Patterson -- this is TU0017, the fourth page</p> <p>18 of Exhibit 8 -- we are currently in the process of</p> <p>19 searching and verifying any property that is owned by</p> <p>20 you. Now, do you know of any letters like we see here</p> <p>21 in Exhibit 8 being sent to Patrick Baltz who was an</p> <p>22 authorized user on this card?</p> <p>23 A. No.</p> <p>24 Q. And have you seen any letters sent by</p> <p>25 USBank to John Baltz similar to what we see here in</p>

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<p style="text-align: right;">Page 82</p> <p>1 Exhibit 8?</p> <p>2 A. I did not specifically look for them.</p> <p>3 Q. Okay. If the letter that we see as</p> <p>4 Exhibit 6 sent in June of 2005, it was sent both to</p> <p>5 Mary Patterson and John Baltz at Roseville address, do</p> <p>6 you know why there would not have been the same</p> <p>7 addressees including John Baltz on the letters that</p> <p>8 are shown in Exhibit 8?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Okay. And what is that reason?</p> <p>11 A. Because these letters were generated from</p> <p>12 two different systems. Our collection system only</p> <p>13 sends letters to the primary account holder on the</p> <p>14 account, which is our pre-charge up collection system</p> <p>15 which is the letters that are here referenced in</p> <p>16 Exhibit 8. The letter referenced in Exhibit 6 came</p> <p>17 from our card member services department out of Fargo,</p> <p>18 and Fargo uses our ICS system, which would have</p> <p>19 included both responsible parties on the account.</p> <p>20 Q. Okay. And the difference between coming</p> <p>21 from Fargo to both card members and the collection</p> <p>22 department, which is in Exhibit 8, that comes from a</p> <p>23 different office, where would that collection</p> <p>24 department be in Exhibit 8?</p> <p>25 A. St. Louis.</p>	<p style="text-align: right;">Page 84</p> <p>1 send copy. Where would that request be sent back?</p> <p>2 A. Mr. Lyons, I'm sorry?</p> <p>3 MS. SILVERMAN: Where are you?</p> <p>4 A. Where are you? Because I have so many</p> <p>5 documents in front of me. I'm sorry.</p> <p>6 Q. (Mr. Lyons) I'm in Exhibit 4A.</p> <p>7 A. Okay. RMS notes.</p> <p>8 Q. Yeah. And I'm going to 0148, which has</p> <p>9 the, you know, looking for the application form on</p> <p>10 June 18th of '05.</p> <p>11 A. Okay.</p> <p>12 Q. So if you can't find it on 4A then take a</p> <p>13 look at 4B and see if --</p> <p>14 A. Yeah, and we still have those opened to the</p> <p>15 same pages. We're good. I'm with you now.</p> <p>16 Q. Where would the research department be or</p> <p>17 the area that the application would be kept?</p> <p>18 A. Fargo, North Dakota, or on an imaging</p> <p>19 system, or it could be off site at a storage facility.</p> <p>20 Q. Okay. So one of those was the area where</p> <p>21 the request was sent, and then we see on 6-28, same</p> <p>22 page, 0148, and they were unable, between 6-18 and</p> <p>23 6-28, none of the sources were able to produce the</p> <p>24 application that put John Baltz as the secondary</p> <p>25 obligor on the card, correct?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Okay. And you say that even though the</p> <p>2 card is late, not being paid, and searching for</p> <p>3 property, which is the subject of the October 4th,</p> <p>4 2005 letter, that would only be sent to whom?</p> <p>5 A. That would have been sent to the primary</p> <p>6 cardholder.</p> <p>7 Q. And nothing would be sent, as you</p> <p>8 understand it, to any secondary holder of the card,</p> <p>9 correct?</p> <p>10 A. The automated letters go out to the primary</p> <p>11 account holder.</p> <p>12 Q. Is there a reason for that that you're</p> <p>13 aware of?</p> <p>14 A. Yes, our system needs enhancements.</p> <p>15 Q. Your what?</p> <p>16 A. Yes, our system needs enhancements.</p> <p>17 Q. Oh, it does need enhancement?</p> <p>18 A. Yes.</p> <p>19 Q. Is that what you -- okay. Has it been</p> <p>20 enhanced now in the year 2012, would it go to both?</p> <p>21 A. No.</p> <p>22 Q. Pardon me?</p> <p>23 A. No.</p> <p>24 Q. Okay. Now, back on 148, with this one</p> <p>25 we're sending the request to service to research and</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. So...</p> <p>4 Q. All right.</p> <p>5 MR. LYONS: Let's stretch our legs.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MR. LYONS: And take a break. We'll come</p> <p>8 back in about five minutes, 10 minutes. Would that be</p> <p>9 okay?</p> <p>10 MS. SILVERMAN: Yes. Tom, can you give us</p> <p>11 some kind of estimate of time.</p> <p>12 MR. LYONS: I think we're going to speed up</p> <p>13 here for another couple of hours. What is it, 12:30</p> <p>14 or more? No, it's 12:30. Yeah, I think, you know,</p> <p>15 we'll be done by 3 o'clock. Is that okay with</p> <p>16 everybody?</p> <p>17 MS. SILVERMAN: I have a flight at 4:30,</p> <p>18 could we maybe do 2:30, if we speed?</p> <p>19 MR. LYONS: I'll try to hurry up. I have</p> <p>20 to stretch my legs. Okay. I'm going to leave the</p> <p>21 phone open. I'll be back.</p> <p>22 MS. SILVERMAN: Okay.</p> <p>23 (A short break was then taken.)</p> <p>24 MR. LYONS: Well, I want the original, and</p> <p>25 I need a word finder for that, key word index. Then</p>

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<p style="text-align: right;">Page 86</p> <p>1 I'm going to take an electronic form. You're going to 2 be the custodian of the exhibits and send with both 3 the original and also with the condensed copy. The 4 condensed copy, four on a page.</p> <p>5 Q. (Mr. Lyons) Ms. Buckley, we're back on the 6 record. You're still under oath and let's resume. 7 Exhibit 3, which is the summons of complaint.</p> <p>8 MS. SILVERMAN: Yeah.</p> <p>9 Q. (Mr. Lyons) And let's take a look at 10 paragraph 21 of Exhibit 3 on page 3, and then let's 11 look at page 6 and --</p> <p>12 MS. SILVERMAN: Page 6 of what?</p> <p>13 A. Exhibit 6 or.</p> <p>14 Q. (Mr. Lyons) Exhibit 6, TU0014</p> <p>15 MS. SILVERMAN: Oh, okay.</p> <p>16 Q. (Mr. Lyons) So when you look at 21 on 17 Exhibit 3 it says on 2-28-2005, defendant sent to 18 plaintiff and Patterson a letter which admitted that 19 the defendant did not know how, when or under what 20 circumstance plaintiff was added to the account. Then 21 I look at Exhibit 6, and I want you to look at 22 Exhibit 6, and would you agree that the defendant did 23 not know when, or how, or under what circumstances 24 plaintiff was added to the account; is that a correct 25 statement?</p>	<p style="text-align: right;">Page 88</p> <p>1 there have been some errors made where authorized 2 users have been identified as actual obligors on the 3 credit card?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. Okay. No one has ever said that to you or 6 you've never discovered that from anybody that you're 7 aware of at work, correct, is that your testimony?</p> <p>8 A. Not to my knowledge, yes.</p> <p>9 Q. Okay. Now, did you, yourself, actually 10 interview Ms. Hasenstab?</p> <p>11 A. No.</p> <p>12 Q. And did her, did her supervisor interview 13 Lori Hasenstab before you talked to her? I think her 14 name was Christine. Was Christine her supervisor?</p> <p>15 A. Christine is the manager of that 16 department.</p> <p>17 Q. Okay. Did Christine tell you that she had 18 interviewed Lori?</p> <p>19 A. No.</p> <p>20 Q. All right. Now, when I'm looking at 21 Exhibit 4.</p> <p>22 A. Hold on.</p> <p>23 Q. There are a couple of entries on the first 24 and second page of Exhibit 4A and take a look at 4B 25 where there is an LBHASEN on 1-20 and 1-21, and would</p>
<p style="text-align: right;">Page 87</p> <p>1 A. No.</p> <p>2 Q. Okay. What is incorrect about it?</p> <p>3 A. What the letter is indicating was that the 4 account was open since May of '88.</p> <p>5 Q. Okay.</p> <p>6 A. And we don't have the exact date when 7 Mr. Baltz was added to the account; however, he had 8 been added prior to 2003.</p> <p>9 Q. And why would it be prior to 2003? Why is 10 that stated in this letter?</p> <p>11 A. Because I believe there was a review of 12 statements, which indicated that his name was on them 13 as early as 2003.</p> <p>14 Q. Okay. So that would just be the statements 15 that were mailed; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. But there's no other application or 18 any, however it was done, by letter, or online, or 19 telephone, or anything of that nature, correct?</p> <p>20 A. We do not have that document today.</p> <p>21 Q. Okay. And do you believe it exists today?</p> <p>22 A. No.</p> <p>23 Q. Okay. And has it been your experience that 24 in the efforts over the years by the millions of 25 applicants to USBank to apply for credit cards, that</p>	<p style="text-align: right;">Page 89</p> <p>1 that be, is that Lori Hasenstab that's referred to?</p> <p>2 A. I don't have where you're looking at yet.</p> <p>3 Q. Okay. On Exhibit 4A, 120 and 21, and then 4 on 4B, it would be the first two pages.</p> <p>5 A. So, yes, if you're referring to the user 6 I.D. LDHASEN, then, yes, that would be Lori.</p> <p>7 Q. Okay. And then on the first page of 8 Exhibit 4, TSWILL3 above LDHASEN, is that a person or 9 who would that be?</p> <p>10 A. Yes, that would be a person.</p> <p>11 Q. And what does that person do? There was an 12 audit of some kind, I'm not sure. Do you know what an 13 audit was that was done on this account?</p> <p>14 A. They reviewed the work that Lori did with 15 the ACDV.</p> <p>16 Q. Okay. And so is Swill supervisor of Lori 17 Hasen?</p> <p>18 A. TSWILL 3 is Tiffany Williams, and yes.</p> <p>19 Q. And is Tiffany Williams still working at 20 USBank?</p> <p>21 MS. SILVERMAN: In fact, you have deposed 22 her before, Tom.</p> <p>23 Q. (Mr. Lyons) Okay. Is she working in 24 St. Louis?</p> <p>25 A. Yes.</p>

23 (Pages 86 to 89)

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<p style="text-align: right;">Page 90</p> <p>1 Q. All right. Same building that Lori Hasen 2 is in, or Hasenstab is?</p> <p>3 A. Yes.</p> <p>4 Q. And did you interview Tiffany Williams 5 before you gave your testimony today?</p> <p>6 A. No.</p> <p>7 Q. Now, is it the normal course of events for 8 the use of an RMS system for Lori Hasen to make notes 9 on the RMS system as we see on the first two pages of 10 Exhibit 4B?</p> <p>11 A. Are you asking is it part of her regular 12 job duties to note RMS?</p> <p>13 Q. Yes, ma'am.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So the RMS, the RMS screen is 16 available to her for her to review and look at it, in 17 fact she's doing an investigation, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, were you aware -- let's turn 20 over to page 4 -- that, were you aware that USBank had 21 reported to Experian that this account was in 22 bankruptcy?</p> <p>23 MS. SILVERMAN: Objection, no foundation.</p> <p>24 You can answer, if you know.</p> <p>25 Q. (Mr. Lyons) Go ahead. Were you aware of</p>	<p style="text-align: right;">Page 92</p> <p>1 come from St. Louis, Missouri; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Have you seen any similar 4 letters such as the documents set out at Exhibit 8 5 that were sent directly to Mr. Baltz?</p> <p>6 A. I have not seen them, no.</p> <p>7 Q. And apparently when we look at Exhibit 4, 8 and let's look at 4B, and let's take a look at the one 9 without any page numbers at the bottom.</p> <p>10 A. Okay.</p> <p>11 Q. I'm trying to get a date, excuse me. Let's 12 look at the dates of September 29th and 13 September 28th, they would be on the same page.</p> <p>14 MS. SILVERMAN: What year, Tom?</p> <p>15 MR. LYONS: 2005.</p> <p>16 A. Of 2005, is that what you're saying?</p> <p>17 Q. (Mr. Lyons) That's kind of towards the back 18 of Exhibit 4B and it's also shown on Exhibit 4A at 19 143.</p> <p>20 A. Okay. I'm on 143.</p> <p>21 Q. Okay. So can you read that at all?</p> <p>22 A. I think so. We're trying to find the page 23 on the more readable copy but I have pretty good eyes.</p> <p>24 Q. It looks like the bank became aware that 25 customer one filed a chapter seven on September 22nd.</p>
<p style="text-align: right;">Page 91</p> <p>1 that?</p> <p>2 A. Page 4 of what, what are you referring to?</p> <p>3 Q. When you're looking at Exhibit 3.</p> <p>4 A. Exhibit 3.</p> <p>5 Q. Page 4, very top.</p> <p>6 A. Hang on, hold on, hold on, let me get to 7 Exhibit 3. Sorry. I want to be following you. Okay.</p> <p>8 Q. Okay. Were you aware, you, yourself, were 9 you aware that USBank has reported this account as 10 being in bankruptcy, 2818, for John Baltz?</p> <p>11 A. No.</p> <p>12 Q. Okay. Now, let's take a look at Exhibit 6 13 and 8 again. We've looked at them but let's get them 14 together. These are the letters.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Okay.</p> <p>17 A. Yes.</p> <p>18 Q. So one came from Fargo, that's Exhibit 8, 19 apparently from card member services. It says Fargo 20 up at the top, correct?</p> <p>21 A. No. Exhibit 6, that says Fargo up at the 22 top.</p> <p>23 Q. You're right. Sorry. I didn't mean to 24 mislead you. Exhibit 6 says that it came from Fargo, 25 and then the others that are laid out in Exhibit 8</p>	<p style="text-align: right;">Page 93</p> <p>1 Can you see that? Can you make that out on page 143?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And chapter, when that kind of a 4 filing is done then, what is the, what is USBank's 5 responsibility regarding that cardholder? Can they 6 continue to contact them or do they have to stop?</p> <p>7 A. We obey the bankruptcy laws and we stop 8 calling them.</p> <p>9 Q. Calling them, correct?</p> <p>10 A. We do not call them.</p> <p>11 Q. Okay. But how about writing them?</p> <p>12 A. When you say writing them, what do you mean 13 by that?</p> <p>14 Q. Sending a letter?</p> <p>15 A. Generally we do not send letters to an 16 account after the account has gone bankrupt.</p> <p>17 Q. Okay. And then you take a look at 18 Exhibit 8 and we see TU0017, a letter dated 19 October 4th, 2005, from the --</p> <p>20 A. Correct.</p> <p>21 Q. It looks like it's from the collection 22 department dated October 4th, 2005, and it's directed 23 to Mary K. Patterson, correct?</p> <p>24 MS. SILVERMAN: Which one are you on, Tom?</p> <p>25 I'm sorry.</p>

24 (Pages 90 to 93)

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1 MR. LYONS: Exhibit 8. 2 MS. SILVERMAN: Yeah. 3 MR. LYONS: Fourth page, TU0017. 4 MS. SILVERMAN: Yeah, got it. 5 Q. (Mr. Lyons) Dated October 4th, 2005, and 6 that was sent to Mary K. Patterson by the collection 7 department, correct? 8 A. Correct. 9 Q. And the collection department has the RMS 10 notes available to it when it is dealing with a 11 cardholder, correct? 12 A. The answer to that is really no. 13 Q. Okay. 14 A. But I'd like you to give me a moment to 15 explain that. 16 Q. Sure. Yeah, go right ahead. 17 A. So the note that you are looking at from 18 September 28th on Exhibit 4A. 19 Q. Yes. 20 A. Is actually a note from the collection 21 system itself, which was transferred to RMS at the 22 time the account charged off. So if a pre-charge off 23 collection department is looking at notes, they will 24 see the notes within the pre-charge off system. Once 25 the account is charged off, those notes are	Page 94	1 to charge off, the account is, for collection 2 purposes, within our TCS system. When the account 3 transfers, when the account charges off and transfers 4 to RMS, those notes follow the account. Hence the 5 reason if you look at the user I.D. with those notes, 6 it indicates batch, which means that it came over at 7 the time that the account was moved into RMS. Does 8 that help? So the way you're asking the question is 9 what's making me answer that way. 10 Q. All right. At what time did it get turned 11 over to the batch system? Is that January of '06, 12 which is shown on page 133 of Exhibit 4? 13 A. Correct. That is the date it was received 14 in RMS. 15 Q. All right. Where does collection, where 16 does the collection department sit when it writes the 17 letter of October the 4th, 2005, this card member 18 service letter, which is TU0017, which is part of 19 Exhibit 8? 20 A. But I missed the very first part of that, 21 where does the collection department what? 22 Q. Where does it sit, is it part of the people 23 doing the RMS or is it some other area within the 24 USBank? 25 A. Prior to the account charging off, it is	Page 96
1 transferred to RMS so that the history remains with 2 the account. 3 Q. All right. So where are these notes kept 4 then if they're not on the RMS system before the 5 charge off? Where would these be? 6 A. They would be in the TCS system, which is 7 stands for the collection system. 8 Q. Okay. And did those notes exist at this 9 time on this account? 10 A. Yes. 11 Q. But they're not in any of the documents 12 that you see in front of you, correct? 13 A. Well, the notes are in the documents that 14 I'm looking at in Exhibit 4A and B. 15 Q. Okay. Those are the RMS collection, 16 correct? 17 A. No. 18 Q. What are the USBank Baltz numbers at the 19 bottom of the pages that you're looking at? 20 A. 00143. 21 Q. Okay. And okay, even though it says RMS at 22 the top, that's part of the collection system? 23 A. No. Tom, I think you're misunderstanding. 24 I don't know if I can call you Tom, I apologize. But 25 what happens is when an account is delinquent prior	Page 95	1 the pre-charge off collection area, in this case, 2 located here in St. Louis. 3 Q. Uh-huh. 4 A. Using the TCS, the collection system, and 5 noting through that system. 6 Q. Okay. And so when the whole thing gets 7 turned over to, as it did in January of '06. 8 A. Uh-huh. 9 Q. The TCS notes are transferred to the RMS 10 system, correct? 11 A. Correct. As well as any notes within the 12 ICS system. 13 Q. And the TCS system exists, the way that we 14 see it here, with these various dates and information 15 back and forth between the cardholder and USBank, 16 correct? 17 A. Yes. 18 Q. Okay. So the collection department knew in 19 September of 2005 that Mary Patterson had filed a 20 chapter seven, correct? 21 A. The collection department knew that there 22 was a possible chapter seven related to this account. 23 Q. And they had known that because they had 24 looked at Lexus, correct? 25 A. I don't know where it indicates Lexus	Page 97

25 (Pages 94 to 97)

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<p>1 here. Let me read it more closely.</p> <p>2 Q. It's in the September notes.</p> <p>3 A. Okay. What I'm seeing here on the 29th,</p> <p>4 yes.</p> <p>5 Q. That's where Lexus is shown. And then on</p> <p>6 the 28th there's actually a case number 053687</p> <p>7 associated with the bankruptcy, do you see that?</p> <p>8 A. Yes, that was before we had verified it,</p> <p>9 and then it was verified, yes.</p> <p>10 Q. All right. Okay. And just to follow-up to</p> <p>11 make it clear, the letters that we see contained in</p> <p>12 Exhibit 8, especially TU00117, sent from the</p> <p>13 collection department on October 4th, 2005, to Mary</p> <p>14 Patterson, there is no similar letter sent to John</p> <p>15 Baltz; is that true?</p> <p>16 A. I do not have a letter similar to that sent</p> <p>17 to John, no.</p> <p>18 Q. And you've looked for it and you can't find</p> <p>19 it, correct?</p> <p>20 A. Yeah, I do not have it.</p> <p>21 Q. Okay. And do you believe that it does not</p> <p>22 exist?</p> <p>23 A. Yes.</p> <p>24 (Plaintiff's, USBank Deposition Exhibit No.</p> <p>25 5, USBank's objections and answers to plaintiff's</p>	<p>1 bottom of page 5 of Exhibit 5, the last two sentences,</p> <p>2 it says -- this is actually, here, the easiest way is</p> <p>3 to look at it from the fourth line up, it says:</p> <p>4 USBank states that on September 22nd, 2010, USBank</p> <p>5 received an online dispute from Equifax regarding the</p> <p>6 plaintiff, and that's true, correct?</p> <p>7 A. Can you repeat that.</p> <p>8 Q. Okay. USBank states that on September</p> <p>9 22nd, 2010, USBank received an online dispute from</p> <p>10 Equifax regarding the plaintiff, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Then the dispute listed, the dispute</p> <p>13 code one, which means that is not hers period. Do you</p> <p>14 see that?</p> <p>15 A. Yes.</p> <p>16 Q. Then you say: USBank conducted a timely</p> <p>17 and reasonable investigation related to the alleged</p> <p>18 dispute, and then verified the appropriate information</p> <p>19 and provided a timely instruction to Equifax. This is</p> <p>20 over at the top of page 6. Okay?</p> <p>21 A. Uh-huh. Yes.</p> <p>22 Q. And then it says: It responded with a code</p> <p>23 two, which means modified. Now, is it your</p> <p>24 understanding that when USBank responds to an ACDV of</p> <p>25 a dispute by a consumer, that there are some choices</p>
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<p>1 first set of interrogatories, was then marked for</p> <p>2 identification by the reporter.)</p> <p>3 Q. All right. Okay. Now, let's take a look</p> <p>4 at Exhibit 5, and Exhibit 5 is the objections and</p> <p>5 answers to plaintiff interrogatories.</p> <p>6 A. Okay. I have Exhibit 5.</p> <p>7 Q. Okay. And I think when we go back all the</p> <p>8 way to page, well, it's the last page of the document,</p> <p>9 it's a verification page, and that's your signature on</p> <p>10 it; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And does Angela Swallow work in your</p> <p>13 office?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Now, let's go to page 5.</p> <p>16 A. Okay.</p> <p>17 Q. Question number three, we say, we request</p> <p>18 describe in detail what actions you took including but</p> <p>19 not limited to the investigation of the various</p> <p>20 disputes that were filed by Mr. Baltz regarding his</p> <p>21 credit report. Do you understand that?</p> <p>22 A. Yes.</p> <p>23 Q. That's the question.</p> <p>24 A. Okay.</p> <p>25 Q. All right. And then you answer at the</p>	<p>1 available to USBank, is that your understanding?</p> <p>2 MS. SILVERMAN: Objection to the term</p> <p>3 choices. Can you be more specific.</p> <p>4 Q. (Mr. Lyons) Well, Ms. Buckley, do you</p> <p>5 understand what I'm talking about?</p> <p>6 A. You mean choices in how to respond, is that</p> <p>7 what you're asking?</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. Then yes.</p> <p>10 Q. Okay. And among the choices that USBank</p> <p>11 has is that it can either modify the information on</p> <p>12 the ACDV that came from the credit reporting agency,</p> <p>13 that's one of the choices, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And you can delete information on the trade</p> <p>16 line, that's a choice that USBank has, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And you can verify information that comes</p> <p>19 from the credit reporting agency; is that true?</p> <p>20 A. By verify do you mean account information</p> <p>21 accurate as of the date it's reported?</p> <p>22 Q. Yeah.</p> <p>23 A. Yes.</p> <p>24 Q. Bottom of page 5 of Exhibit 5, you verified</p> <p>25 the appropriate information and provided a timely</p>

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<p style="text-align: right;">Page 102</p> <p>1 response, correct? 2 A. Yes, correct. 3 Q. But you also had choices at the same, 4 USBank had choices that they could either delete it, 5 or they could have modified it, or they could have 6 verified it depending on the circumstances, correct? 7 A. Correct. 8 Q. Now, in this case, where there had been 9 some question about whether or not Mr. Baltz was a 10 cardholder and the primary cardholder had also 11 indicated that it was not her intention that 12 Mr. Baltz, her nephew, be a primary cardholder, and 13 the fact that there was no application signed by 14 Mr. Baltz in your own records, it was possible for 15 USBank to delete the trade line, correct? 16 A. If you're asking me if it was possible to 17 delete the trade line, the answer is, yes, it is 18 possible. 19 Q. Okay. All right. Based on that 20 information, the information that I supplied in the 21 question? 22 A. Now, I'm not following your question. 23 Q. Okay. In this circumstance when this 24 dispute came, there were traces available to USBank 25 and you have identified those as being to modify,</p>	<p style="text-align: right;">Page 104</p> <p>1 determine what was actually in the ACDV that you 2 returned to Experian, correct? 3 A. That information wouldn't have existed 4 within E Oscar after all this time. So your answer is 5 correct. 6 Q. All right. And E Oscar, they only keep the 7 information for how long? 8 A. I want to say it's 60 or 90 days. 9 (An off-the-record discussion was held.) 10 MR. LYONS: All right. So we're back on 11 the record. 12 MS. SILVERMAN: Yes. 13 THE WITNESS: Yes. 14 Q. (Mr. Lyons) And let's go down to page 6 of 15 Exhibit 5, and it's states that, we were asking how do 16 you assure the accuracy of information within your 17 database, that's what interrogatory number four is. 18 And you answer that USBank states that, in general, it 19 receives an account application. In this case, there 20 is no account application that you have found, 21 correct? 22 A. Yes. 23 Q. Okay. Then insuring that the person is 24 qualified for credit, there's no proof anywhere that 25 any kind of a credit check was done on Mr. Baltz</p>
<p style="text-align: right;">Page 103</p> <p>1 verify, or delete, correct? 2 A. Correct. 3 Q. All right. And based on the circumstance, 4 what we see in the RMS notes, which were available for 5 Lori Hasenstab, there was some question about whether 6 the Mary Patterson wanted her nephew, John Baltz, to 7 be a primary, or an obligated cardholder, and quite a 8 few entries about that, correspondence back and forth, 9 as well as the fact that we saw in Exhibit 6 that 10 there was no signed application that was available for 11 any investigator at USBank. Given that information, 12 it was possible that USBank could have deleted the 13 trade line, correct? 14 A. That possibility existed, yes. 15 Q. Now, what you did do was enter a code two, 16 which was to modify, and can you tell me what the 17 modification was that you reported back to Experian? 18 A. No, I can't, it's too old. 19 Q. Okay. And since the bank is only required 20 to keep the ACDV for 120 days, you don't know exactly 21 what was modified, correct? 22 A. Correct. 23 Q. That's what your answer says on page 6? 24 A. Correct. 25 Q. Okay. And you did not go to E Oscar to</p>	<p style="text-align: right;">Page 105</p> <p>1 either showing a score or other credit worthiness; is 2 that correct? 3 A. Not anymore. 4 Q. No, but I'm talking about right now, that 5 you don't, it doesn't exist anywhere that you have 6 searched and have found it? 7 A. Not today, no. 8 Q. Okay. Or any time that you tried to look 9 for it, correct? 10 A. Well, I've only tried to look for it fairly 11 recently. So in these last few days, no. 12 Q. Well, there's nothing in the RMS notes from 13 Lori Hasenstab or Cynthia that, that there was any 14 investigation that they did that they found credit 15 worthiness on the behalf of John Baltz to be a joint 16 holder of the card, correct? 17 A. Correct. 18 Q. And then at the bottom of page 6 on the 19 right-hand corner it says: Among other things. So 20 I'm kind of wondering, I think you talked about income 21 at some point, correct? 22 A. Correct. 23 Q. And then when we look at Exhibit 7, there 24 is no income set out there, correct? 25 MS. SILVERMAN: Exhibit 7.</p>

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<p style="text-align: right;">Page 106</p> <p>1 MR. LYONS: Exhibit 7, that's the ICS. 2 A. Correct. 3 Q. (Mr. Lyons) His age and date of birth, 4 they're not indicated on Exhibit 7, correct? 5 A. Correct. 6 Q. Whether or not he has any dependents, 7 that's not known, correct? 8 A. Correct. 9 Q. And when you go over to the top of page 7, 10 it says, it says at the bottom of page 6, among other 11 things verifying the applicant's information with a 12 credit reporting agency, we don't see any evidence 13 that any credit reporting agency was checked with 14 regarding John Baltz at the time he supposedly applied 15 for credit as a joint cardholder, correct? 16 A. That would have been done at the time that 17 he was added to the account. 18 Q. Okay. But there's nothing to show any 19 record that you currently have at USBank that shows 20 that there was anything done that you can say was 21 done? 22 A. Correct. 23 Q. Okay. Then your answer goes on at the top 24 of page 7, it says: Once a consumer's application is 25 approved, and we don't have any sign of approval by</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Is there any separate investigation notes 2 other than what we see in Exhibit 4, 4A and 4B? 3 A. Not that I'm aware of. 4 Q. All right. Then there was an investigation 5 was made when the disputes came from the credit 6 reporting agencies in 2010, correct? 7 A. Correct. 8 Q. And the only response that we have from 9 there, from that investigation are some notes in the 10 Exhibit 4A and 4B, and then whatever the credit 11 reporting agencies will show in terms of the ACDV's 12 that they sent to USBank, correct? 13 A. I'm not sure I completely followed that but 14 correct. 15 Q. Well, is there any other investigation? 16 A. No. 17 Q. Any other notes kept anywhere? 18 A. No. 19 Q. Do you know specifically how much time Lori 20 Hasenstab spent investigating any one of the disputes 21 that Mr. Baltz made through the credit reporting 22 agencies? 23 A. She would have spent as long as it took to 24 verify the information. 25 Q. Okay. And you know what the length of time</p>
<p style="text-align: right;">Page 107</p> <p>1 any individual at USBank that he was credit worthy for 2 a joint cardholder position, correct? 3 A. Not at this time, right. 4 Q. Okay. And then USBank is suppose to put 5 in, it's the next line, says the name, the address, 6 date of birth. There is no date of birth, correct, 7 that you can see anywhere here? 8 A. Correct. 9 Q. All right. And then issue statements to 10 the cardholder, correct? 11 A. Correct. 12 Q. And there have been statements that have 13 been issued to the cardholder, John Baltz, at the 14 address in Roseville, correct? 15 A. Correct. 16 Q. And we know that John, going further down 17 in your answer on page 7, answer number six, if a 18 consumer disputes the information associated with his 19 or her account, USBank investigates that dispute in a 20 matter that depends on the exact nature and timing of 21 the dispute. Now, you say that USBank investigated. 22 When the dispute was made directly to the bank, we see 23 that in the RMS notes back in 2005, that's true, 24 correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 109</p> <p>1 was that she spent on any one of the investigations 2 she made responsive to the ACDV that came from either 3 Experian or Trans Union? 4 A. No. 5 Q. Do you know what her quota is for how many 6 ACDV's she's suppose to process either in an hour, or 7 a quarter of an hour, or a day? 8 A. We don't have a quota. 9 Q. And what do you base that on, who have you 10 asked about a quota? 11 A. I'm telling you, we don't have a quota. 12 Q. Okay. But do you supervise the people that 13 are in that department? 14 A. Yes. 15 Q. Okay. So have you reviewed Lori Hasenstab? 16 MS. SILVERMAN: Objection to the term 17 reviewed. Do you mean annual review? 18 Q. (Mr. Lyons) Well, or any other type of 19 performance review. Sorry. 20 A. That would be done by her direct supervisor 21 who reports to her manager who reports to me. 22 Q. Okay. Now, let's go down on page 8 of 23 Exhibit 5. We're looking -- I'm asking, the question 24 is -- well, here let me go back up to number six. I'm 25 asking in that interrogatory, which you answered, I</p>

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<p style="text-align: right;">Page 110</p> <p>1 asked: Identify all documents and correspondence from 2 January 2009 to the present that would verify or put 3 into dispute that you reasonably and completely 4 reinvested and reverified all information disputed by 5 plaintiff in a timely manner. Then your last sentence 6 is, in your answer it says: It conducted, it being 7 USBank, it conducted a complete investigation in 8 response to plaintiff's disputes. And based on your 9 testimony today, this is the extent of the dispute 10 that Lori Hasenstab got the ACDV and made her notes in 11 the RMS sheet, especially page 1 and 2 of Exhibit 4A 12 and 4B; is that true?</p> <p>13 A. No, I'm not sure that I'm following exactly 14 what you're asking for there so...</p> <p>15 Q. Okay. Well, Lori says she checked the SSN 16 matches. Did she do anything more than that that's 17 not reflected in the RMS notes?</p> <p>18 A. Well, yes, she would have checked the 19 system records, looked at the name, the social, the 20 address, checked public record.</p> <p>21 Q. Okay. Why isn't that listed in the RMS 22 records if she did it?</p> <p>23 A. Well, because at that time, the notes 24 weren't very complete on that, but that is the process 25 that she would go through.</p>	<p style="text-align: right;">Page 112</p> <p>1 MS. SILVERMAN: I'm going to object to the 2 characterization of made up, but she can answer it. 3 MR. LYONS: All right.</p> <p>4 A. Yes, I have heard that term in the 5 industry. Yes, it is a USBank bank term.</p> <p>6 Q. (Mr. Lyons) And what does a joint holder 7 refer to?</p> <p>8 A. A liable party.</p> <p>9 Q. A liable party. Okay. Are there any other 10 terms that are used by USBank to describe a liable 11 party on a credit card?</p> <p>12 A. To describe a liable party, sure, there's 13 the primary applicant, the secondary applicant, 14 sometimes it's called the co-ap, the primary, the 15 cardholder, card member.</p> <p>16 Q. And joint holder is one of those terms?</p> <p>17 A. Sure.</p> <p>18 Q. Okay. Is there a written retention policy 19 that you're aware of for USBank in terms of credit ap, 20 or credit card applications?</p> <p>21 A. There is a corporate retention policy, yes.</p> <p>22 Q. Is that written?</p> <p>23 A. Well, yes, it is written as it is on the 24 computer, yes.</p> <p>25 Q. Okay. Is there someone in your department</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. All right. And is that written down in 2 some manual somewhere that I could look at?</p> <p>3 A. Not in an manual, no.</p> <p>4 Q. Is it written in any procedure or any 5 checklist for Lori to perform her job?</p> <p>6 A. Not a checklist, but there is, there is a 7 paper that describes that.</p> <p>8 Q. Okay. And what is that paper called?</p> <p>9 A. I'd have to get the one specifically in 10 front of me and I do not have that.</p> <p>11 Q. Does it have a title?</p> <p>12 A. Yes, hold on a second. Procedures for 13 researching credit bureau disputes.</p> <p>14 Q. Okay. Now, let's go down to the next 15 interrogatory, interrogatory number eight. I ask: 16 Please specify all facts each document the person 17 prepared and testified on which USBank relied to 18 assert the affirmative defenses that are listed in the 19 complaint. We don't have to go to that right now. 20 Let's just go down to your answer, and at the second 21 line from the bottom, it says: USBank records 22 indicate that plaintiff is a joint holder. So I'm 23 wondering what is joint holder, is that an industry 24 term, a USBank term, a made up term, what does joint 25 holder mean?</p>	<p style="text-align: right;">Page 113</p> <p>1 or an associated department to yours that is an FCRA 2 compliance officer or person in that job?</p> <p>3 A. There is no one who has that title at the 4 bank, no.</p> <p>5 Q. Okay. Just to wrap this up so that 6 everybody can move on, let's take a look at page 13 of 7 Exhibit 5, and I ask at interrogatory 14, and in that 8 I say: Identify specifically all the facts in each 9 document and the person prepared to so testify upon 10 which you relied to assert the affirmative defenses. 11 And rather than ask what facts do you have, I'm going 12 to ask you if the following set of facts are facts 13 that you do not have and do not have a document for 14 it. So will you go along with me on that?</p> <p>15 MS. SILVERMAN: Are we asking about whether 16 the fact exist or whether the document exist to 17 support the fact, those are two different things?</p> <p>18 MR. LYONS: Facts and/or documents. We're 19 going to assume that Ms. Buckley can testify as a 20 person about facts unless she tells me otherwise. 21 Okay?</p> <p>22 MS. SILVERMAN: Okay. As long as you 23 distinguish between the two, I'm fine.</p> <p>24 Q. (Mr. Lyons) All right. Fact or document. 25 Now, the facts that you don't have or any document</p>

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<p style="text-align: right;">Page 114</p> <p>1 that you don't have, you being USBank, is the date of 2 any application by John Baltz to be an obligor on the 3 credit card ending in 2818; is that true?</p> <p>4 A. We know it was before 2003. We do not have 5 the document.</p> <p>6 Q. And you have no date either?</p> <p>7 A. No specific date, correct.</p> <p>8 Q. Okay. No month, no year, it's just before 9 2003?</p> <p>10 A. Correct.</p> <p>11 Q. Two, means of application. You don't know 12 whether it was done online, by phone, or in a written 13 application, is that true?</p> <p>14 A. The original application, no, I do not 15 know.</p> <p>16 Q. Yeah. Okay. Whether or not you have a 17 signature from John Baltz?</p> <p>18 A. That signature does not exist today.</p> <p>19 Q. And by whom the application was made, 20 either by Mr. Baltz, or Ms. Patterson, or somebody 21 else, do you know anything about that?</p> <p>22 A. I'm not sure what you're asking me there.</p> <p>23 Q. Well, is it, perhaps I'm mistaken, is it 24 true that the only way a person can become a joint 25 holder on a card is that that person must apply to</p>	<p style="text-align: right;">Page 116</p> <p>1 to John Baltz?</p> <p>2 A. Each card would have had the individual's 3 name on it, and would have been mailed to the address 4 on the system.</p> <p>5 Q. So that would be John Baltz at 1620 Highway 6 36, Roseville, Minnesota, 55113?</p> <p>7 A. I believe at that time -- what is her name? 8 Hold on. What is the aunt's name because she would 9 have been on that as well, Mary Patterson.</p> <p>10 Q. All right. Cards were sent to Mary 11 Patterson?</p> <p>12 A. Cards were sent to each of the people 13 listed on the account to the address on the system.</p> <p>14 Q. All right. And one of those persons, 15 Patrick, was removed when we look at the RMS notes. 16 Let me just take a quick look here. Okay. Let's look 17 at the last page of Exhibit 4. 4B is legible one but 18 you can also look at 4A.</p> <p>19 A. Okay.</p> <p>20 Q. And it appears that advise cardholder, 21 Mary, that she was able to remove authorized user, 22 Pat, but not joint. Okay?</p> <p>23 A. Correct.</p> <p>24 Q. Both nephews cardholder thought were 25 authorized users. Advised cardholder only can remove</p>
<p style="text-align: right;">Page 115</p> <p>1 become the joint holder of the credit card?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. We have no indication in any regard 4 that you have seen or has been produced that indicates 5 that Mr. Baltz's credit worthiness was examined, 6 correct?</p> <p>7 A. Correct, those records we do not have 8 today.</p> <p>9 Q. All right. And there is no date on which 10 there was an issuance of an obligor card to Mr. Baltz, 11 correct?</p> <p>12 A. I don't know what you mean by that.</p> <p>13 Q. Well, when you send an obligating credit 14 card out, is there some method by which USBank can 15 keep track of that card being issued to that obligor?</p> <p>16 A. I'm not completely sure that I'm following 17 you. We do have the date that the last card that was 18 sent out became active, which was on Exhibit 7. The 19 first page, card active date of 5-25-of '04, but that 20 would have been last physical plastic mailed out.</p> <p>21 Q. Okay.</p> <p>22 A. I'm just not sure if I'm following what 23 you're asking. And we know that three cards were 24 mailed at that time.</p> <p>25 Q. Okay. And were all three cards then mailed</p>	<p style="text-align: right;">Page 117</p> <p>1 by closing the account and reopening on her own, and 2 that's what she was told back in April of 2004?</p> <p>3 A. And also advised that John shares 4 responsibility.</p> <p>5 Q. So that would be -- so the three cards that 6 we see on Exhibit 7, there's no distinction between 7 the three cards that are listed in the middle of the 8 printed part of Exhibit 7, page 0155, just three cards 9 were issued and sent to John Baltz at the address in 10 Roseville, correct?</p> <p>11 A. They would have been sent to John and Mary 12 at the address, three cards with all three 13 individual's names on them, yes.</p> <p>14 Q. All right. And the last thing that we know 15 for sure is that no request was made to John Baltz 16 similar to the letter sent in Exhibit 8 asking for 17 payment after the card went late and after 18 Ms. Patterson filed bankruptcy, which we discussed 19 earlier, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Well, given all the information that 22 we've just discussed, do you believe that USBank has 23 conducted a reasonable investigation of the dispute 24 that Mr. Baltz filed with the credit reporting 25 agencies in 2010?</p>

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<p>1 A. Yes.</p> <p>2 MR. LYONS: I don't have any further</p> <p>3 questions. Thank you.</p> <p>4 MS. SILVERMAN: Thank you. I just have a</p> <p>5 few quick questions, if you don't mind.</p> <p>6 CROSS-EXAMINATION</p> <p>7 QUESTIONS BY MS. SILVERMAN:</p> <p>8 Q. You were just testifying that you don't</p> <p>9 have, USBank doesn't have any document to connect John</p> <p>10 Baltz to account 2818 currently, correct?</p> <p>11 A. We don't have the original document, yes,</p> <p>12 that's correct.</p> <p>13 Q. Does that mean that that document never</p> <p>14 existed?</p> <p>15 A. No.</p> <p>16 MR. LYONS: Objection, form of the</p> <p>17 question. Go ahead, you can answer.</p> <p>18 A. No, that does not mean it never existed.</p> <p>19 Q. (Ms. Silverman) So what would USBank have</p> <p>20 had to have at the time John Baltz was added as a</p> <p>21 joint owner of the account?</p> <p>22 A. We would have had to have had his signature</p> <p>23 on a form with, that would have been mailed back to</p> <p>24 us.</p> <p>25 Q. Turning to USBank Depo Exhibit Number 8,</p>	<p>1 A. I believe some letters probably went out</p> <p>2 from our RMS system once her name was removed from the</p> <p>3 account.</p> <p>4 Q. And so no letters went to John Baltz,</p> <p>5 correct?</p> <p>6 A. No, that's not what I just said.</p> <p>7 Q. Okay. Do you have any letters that you</p> <p>8 have seen that were sent to John Baltz, other than --</p> <p>9 A. We have letters that were requested through</p> <p>10 the system, but the actual letter is not maintained.</p> <p>11 Q. Well, can you recreate the letter?</p> <p>12 A. Manually we could. I could...</p> <p>13 Q. Where would we see that the letter was</p> <p>14 sent, is it in the RMS note somewhere?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Why don't you direct us, using 4A,</p> <p>17 direct us to where that was done.</p> <p>18 A. You're going to have to give me a few</p> <p>19 minutes because I am reading through 4A.</p> <p>20 Q. Go ahead.</p> <p>21 MS. SILVERMAN: You can't read 4A.</p> <p>22 THE WITNESS: Well, I can, I mean it's just</p> <p>23 more challenging, but you know.</p> <p>24 Q. (Mr. Lyons) 4B, try to do 4B and see if you</p> <p>25 can --</p>
<p>1 Mr. Lyons just asked you some questions about this,</p> <p>2 and you said that there were no letters similar to</p> <p>3 Exhibit 8 sent to John Baltz. Why is that?</p> <p>4 A. Because our collection system only sends it</p> <p>5 to the primary cardholder.</p> <p>6 MS. SILVERMAN: Thank you. I don't have</p> <p>7 anything else.</p> <p>8 REDIRECT EXAMINATION</p> <p>9 QUESTIONS BY MR. LYONS:</p> <p>10 Q. Okay. And that's even true even when</p> <p>11 you're trying to have Mr. Baltz be the primary</p> <p>12 cardholder because Mary Patterson had filed</p> <p>13 bankruptcy, is that USBank's position?</p> <p>14 A. No. But I'm not sure I'm following exactly</p> <p>15 the way you're asking that. I'm sorry.</p> <p>16 Q. Okay. What don't you understand about it?</p> <p>17 A. The question.</p> <p>18 Q. Well, Mary Patterson filed bankruptcy,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. So you can't contact her. Who then becomes</p> <p>22 the primary cardholder in terms of trying to get the</p> <p>23 account paid?</p> <p>24 A. John Baltz.</p> <p>25 Q. Okay. Did you send him any letters?</p>	<p>1 A. Well, but it's not in the same order. So</p> <p>2 if you don't mind, I'd prefer to stick with 4A and get</p> <p>3 us there.</p> <p>4 Q. Okay. Go right ahead, it's up to you.</p> <p>5 You're testifying.</p> <p>6 A. So a letter was sent on 2-3 of '06.</p> <p>7 Q. Okay. And where was that sent, what</p> <p>8 address?</p> <p>9 A. It would have been sent to the address on</p> <p>10 the account at that time, and I know that the Florida</p> <p>11 address shows on the account now, but I don't know</p> <p>12 which address showed at that time. That would take a</p> <p>13 little bit of research to try and conduct that.</p> <p>14 Additionally, there was a letter sent on 2-14 of '06.</p> <p>15 Q. And where was that sent?</p> <p>16 A. It would have been sent to the address on</p> <p>17 the account at that time.</p> <p>18 Q. Okay. That's the Roseville account?</p> <p>19 A. My guess is that it would have gone to that</p> <p>20 address, yes, Roseville address because I'm not</p> <p>21 exactly sure right now when the address changed to the</p> <p>22 Florida address. I'd have to dig through.</p> <p>23 Q. You don't know. Okay. Keep looking. Go</p> <p>24 ahead.</p> <p>25 A. There was another letter sent on 4-3 of</p>

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Stephanie Buckley

<p style="text-align: right;">Page 122</p> <p>1 '06.</p> <p>2 Q. And where was that sent?</p> <p>3 A. It would have been sent to the address on</p> <p>4 the account at that time. There's a letter sent, I'm</p> <p>5 sorry, proceeding that one on March 13th of '06.</p> <p>6 Q. Again, that was sent to Roseville?</p> <p>7 A. I don't know the address at this time. I'd</p> <p>8 have to research that to tell you what address was on</p> <p>9 the account.</p> <p>10 Q. Okay.</p> <p>11 A. There was a letter sent on 4-25 of '06,</p> <p>12 another letter on 5-9 of '06, and it looks like that's</p> <p>13 the last of the letters.</p> <p>14 Q. And the letters that were sent, do you know</p> <p>15 if they were any one of the letters shown in Exhibit 8</p> <p>16 of the deposition, or do you know?</p> <p>17 A. No, they were not the letters shown in</p> <p>18 Exhibit 8 of the deposition.</p> <p>19 Q. Okay. What kind of letters were they?</p> <p>20 A. They would have been letters from the RMS</p> <p>21 system not from TCS or ICS.</p> <p>22 Q. And what would the content have been?</p> <p>23 Would it have been similar to the documents in</p> <p>24 Exhibit 8 or would it have said things like the last</p> <p>25 letter, TU, excuse me, TU00117, searching, verifying,</p>	<p style="text-align: right;">Page 124</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, Amy A. Victoria, MO CCR, within and for</p> <p>4 the State of Missouri, do hereby certify that the</p> <p>5 witness whose testimony appears in the foregoing</p> <p>6 deposition was duly sworn by me; that the testimony of</p> <p>7 said witness was taken by me to the best of my ability</p> <p>8 and thereafter reduced to typewriting under my</p> <p>9 direction; that I am neither counsel for, related to,</p> <p>10 nor employed by any of the parties to the action in</p> <p>11 which this deposition was taken, and further that I am</p> <p>12 not a relative or employee of any attorney or counsel</p> <p>13 employed by the parties thereto, nor financially or</p> <p>14 otherwise interested in the outcome of the action.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 MO CCR #556</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 123</p> <p>1 looking for any property owned by you?</p> <p>2 A. There may have been a letter similar to</p> <p>3 that.</p> <p>4 Q. Okay.</p> <p>5 MR. LYONS: Okay. Thank you.</p> <p>6 THE WITNESS: Okay.</p> <p>7 MS. SILVERMAN: Thank you.</p> <p>8 (Signature waived.)</p> <p>9 (WHEREIN, the deposition was concluded at</p> <p>10 1:55.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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Lori Hasenstab

Page 1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
3 COURT FILE NO. 11-CV-170 JRT/AJB
4
5 JOHN BALTZ,)
6 Plaintiff,)
7 vs.)
8 U.S. BANCORP d/b/a)
9 U.S. BANK,)
10 Defendant.)
11
12
13
14

COPY

15 TELEPHONE DEPOSITION OF LORI HASENSTAB
16 TAKEN ON BEHALF OF THE PLAINTIFF
17 MARCH 26, 2012
18
19
20
21
22
23
24
25

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		Page 2		Page 4
1	I N D E X		1	APPEARANCES
2	WITNESSES		2	FOR THE PLAINTIFF: (via telephone)
3	ALL WITNESSES	PAGE	3	Thomas J. Lyons, Esq.
4	LORI HASENSTAB FOR PLAINTIFF		4	367 Commerce Court
5	Examination by Mr. Lyons	5	5	Vadnais Heights, Minnesota 55127
	Examination by Ms. Silverman	59	6	(651) 770-9707
6	Examination by Mr. Lyons	60	7	tommjc@aol.com
7			8	
8	EXHIBITS		9	FOR THE DEFENDANT: (via telephone)
9	NO.	PAGE	10	FAEGRE BAKER DANIELS, LLP
10	Exhibit 1	Notice of Deposition	11	2200 Wells Fargo Center
11	Exhibit 2	Screen shot of ACDV dispute	12	90 South Seventh Street
12	Exhibit 3	Trans Union ACDV	13	Minneapolis, Minnesota 55402-3901
13	Exhibit 4	ACDV Operators Manual, Policy and Procedure Guide	14	(612) 766-7000
14		30	15	by: Ellen B. Silverman, Esq.
15			16	ellen.silverman@faegrebd.com
16			17	
17	(Exhibits attached to transcript.)		18	ALSO PRESENT:
18			19	
19			20	711 North 11th Street
20			21	St. Louis, Missouri 63101
21			22	(314) 644-2191
22			23	1-800-280-DEPO
23			24	By: Ms. Tara Schwake, CRR, RPR
24			25	tschwake@midwestlitigation.com
25				
		Page 3		Page 5
1	UNITED STATES DISTRICT COURT		1	IT IS HEREBY STIPULATED AND AGREED
2	DISTRICT OF MINNESOTA		2	by and between Counsel for the Plaintiff and
3	COURT FILE NO. 11-CV-170 JRT/AJB		3	Counsel for the Defendant that this deposition
4			4	may be taken by Tara Schwake, Notary Public and
5	JOHN BALTZ,	)	5	Certified Realtime Reporter, thereafter
6	Plaintiff,	)	6	transcribed into typewriting, with the signature
7	vs.	)	7	of the witness being expressly reserved.
8	U.S. BANCORP d/b/a	)	8	LORI HASENSTAB,
9	U.S. BANK,	)	9	Of lawful age, having been produced, sworn, and
10	Defendant.	)	10	examined on the part of the Plaintiff, testified
11			11	as follows:
12	TELEPHONE DEPOSITION OF WITNESS,		12	* * * * *
13	LORI HASENSTAB, produced, sworn and examined on		13	(Exhibits 1 through 4 marked for
14	the 26th day of March, 2012, between the hours of		14	identification by the court reporter.)
15	eight o'clock in the forenoon and six o'clock in		15	(Deposition commenced at 9:47 a.m.)
16	the afternoon of that day, at the offices of U.S.		16	EXAMINATION
17	Bank, 9321 Olive Boulevard, St. Louis, Missouri,		17	QUESTIONS BY MR. LYONS:
18	before Tara Schwake, a Certified Realtime		18	Q Good morning. Can you state your
19	Reporter and Notary Public within and for the		19	full name for the record, spelling your last?
20	State of Illinois, in a certain cause now pending		20	A Lori Hasenstab, H-a-s-e-n-s-t-a-b.
21	in the United States District Court, District of		21	Q And your home address?
22	Minnesota, wherein John Baltz is Plaintiff and		22	A 2771 Cliffwood Trail, St. Louis,
23	U.S. Bancorp is Defendant.		23	Missouri, 63129.
24			24	Q And ma'am, what year were you born?
25			25	A 1977.

2 (Pages 2 to 5)

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<p style="text-align: right;">Page 6</p> <p>1 Q And have you ever had your 2 deposition taken before? 3 A Yes. 4 Q On how many previous occasions? 5 A One. 6 Q And do you remember when that was? 7 A A few months back. 8 Q And was it on a personal matter or 9 was it, did it have to do with your employment? 10 A Can you state what you mean by 11 "personal"? 12 Q Yeah, I didn't know if it had to do 13 -- if it was work-related like it is today, or if 14 it had to do with something with your personal 15 life. 16 A Oh. Work-related. 17 Q And were you giving testimony on 18 behalf of the bank? 19 A Yes. 20 Q And what was the name of the case, 21 if you remember? 22 A I wouldn't remember. 23 Q Do you remember the name of the 24 person that was suing the bank? 25 A No.</p>	<p style="text-align: right;">Page 8</p> <p>1 A I'm not sure what you mean. I 2 mean, I was just basically laid off slash fired 3 but -- it didn't work out. 4 Q Okay. Have you ever served in the 5 military? 6 A No. 7 Q Where did you go to high school? 8 A Ursuline Academy. 9 Q And what year did you graduate? 10 A 1996. 11 Q Where is that located? 12 A Kirkwood, Missouri. 13 Q Did you go on to college after 14 that? 15 A Yes. 16 Q Where did you go to school? 17 A I went to SIU-E and then UMSL. 18 Q And did you receive your degree 19 from college? 20 A Yes. 21 Q In what year? 22 A 2001. 23 Q And did you go to any other post- 24 secondary school after college? 25 A No.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q Okay. And have you ever been an 2 expert witness before? 3 A No. 4 Q Have you yourself ever been a 5 plaintiff or sued someone before? 6 A No. 7 Q Has anyone ever sued you before 8 personally? 9 A No. 10 Q Have you ever filed bankruptcy? 11 A No. 12 Q Have you ever been arrested? 13 A No. 14 Q Have you ever been fired from a 15 job? 16 A Once. 17 Q Okay. Tell me about that. When 18 was that? 19 A That was, let's see. I was in 20 between jobs -- I couldn't tell you the exact 21 year. 22 Q Okay. And what -- where were you 23 working when you were fired? 24 A At Nu Way Concrete. 25 Q Okay. And why were you fired?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q And your current title at US Bank 2 is what? 3 A Account processor. 4 Q Tell me what your job 5 responsibilities are as an account processor. 6 A Responding to correspondence, 7 completing ACDVs and AUDs, backup for the phones. 8 Q When you say "backup for the 9 phones," what does that have to do? 10 A Just customers calling for either 11 credit bureau disputes or other disputes that 12 they may have resolution needed for. 13 Q And then you said you did something 14 with responding to or writing letters, did you 15 say that? 16 A Basically responding back to 17 customers' letters that they mail in to our 18 department. 19 Q And what is the department that you 20 work for? 21 A Credit bureau disputes. 22 Q Okay. And how long have you been 23 an account processor? 24 A Since 2009. 25 Q And before 2009, what was your</p>

3 (Pages 6 to 9)

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	Page 10	Page 11
1 position?		
2 A I was at the US Bank downtown	1 Currently? Or at this time in 2009?	
3 location as an admin assistant.	2 MR. LYONS: That's good. That's	
4 Q Downtown in what city?	3 good.	
5 A US Bank in St. Louis.	4 (BY MR. LYONS) Let's start in	
6 Q Okay. And did you work in credit	5 2009. How many were there?	
7 at the downtown branch?	6 A I'd say -- I'm not really sure what	
8 A No.	7 the phone group considers their title so I'm not	
9 Q Okay. So it was a completely	8 sure to consider their number or just my	
10 different job?	9 immediate group, which they would be --	
11 A Yes.	10 Q Let's talk about ACDV processors.	
12 Q And how did you find out about the	11 How many were there in 2009?	
13 account processing position that you currently	12 A I don't know.	
14 hold?	13 Q More than ten?	
15 A When I was laid off at the US Bank	14 A Probably not. No, not that many.	
16 St. Louis in downtown, and then I transferred to	15 Q Okay. So some number less than	
17 Olivette.	16 ten?	
18 MS. SILVERMAN: For the record,	17 A Yes.	
19 Tommy, Olivette is the location that she is at	18 Q All right. And how about today?	
20 right now.	19 How many are there?	
21 Q (BY MR. LYONS) Okay. And did you	20 A Probably around ten.	
22 have to go through a interview or review process	21 Q Okay. And are -- in your current	
23 in order to get the job as the account processor?	22 capacity, do you supervise anyone?	
24 A Yes.	23 A No, I'm not a supervisor.	
25 Q Who did you meet with in your	24 Q Okay. So is it fair to say that	
	25 you are on the same level with the other ACDV	
	Page 11	Page 13
1 interview?	1 processors?	
2 A Tiffany Williams, Juanita Roland.	2 A Yes.	
3 Basically the support group heads.	3 Q And do you all work generally in	
4 Q Okay. And what's Tiffany Williams'	4 the same room?	
5 title?	5 A Yes.	
6 A She is my supervisor. They just	6 Q Okay. And tell -- explain to me	
7 recently changed their titles I believe to	7 the, or describe to me your work environment. Is	
8 operations supervisor.	8 it cubicles, are you all at desks, are you at a	
9 Q Okay. And how about Juanita?	9 telephone bank? Describe for me your work	
10 A Oh, I don't know.	10 environment.	
11 Q And is Juanita above or below or	11 A Oh, we are in cubicles.	
12 equal with Tiffany Williams in terms of job	12 Q Okay. And in your cubicle, you	
13 ranking?	13 have a telephone and a computer; is that correct?	
14 A I don't know.	14 A Yes.	
15 Q Okay. And did you -- in 2009 when	15 Q Any other resources that are	
16 you started as the processor, did you go through	16 available to you? Whether it's hardware or	
17 some kind of a training program?	17 software or anything else other than what I have	
18 A Yes. Well --	18 described in that there is a computer and a	
19 Q How many -- I'm sorry, I didn't	19 telephone?	
20 mean to cut you off. Go ahead.	20 MS. SILVERMAN: Objection, I think	
21 A Oh. Well, it was basically one on	21 "computer" encompasses software and hardware, but	
22 one training with other co-workers.	22 you can answer the question if you understand it.	
23 Q How many other account processors	23 A We have calculators and, I mean,	
24 are there in your department?	24 I'm not quite sure what other devices you're	
25 MS. SILVERMAN: Objection, vague.	25 looking for. We have a fax machine.	

4 (Pages 10 to 13)

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<p style="text-align: right;">Page 14</p> <p>1 Q (BY MR. LYONS) Okay. So at your 2 work station, you have a computer that has access 3 to certain systems, certain data systems that the 4 bank has. Correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. And do those systems include 7 account information on US Bank customers?</p> <p>8 A Yes.</p> <p>9 Q Okay. So tell me what systems you 10 have access to.</p> <p>11 A E-oscar, and then mainframe screens 12 and RMS.</p> <p>13 Q Any other ones that you can think 14 of?</p> <p>15 A Well, we can use Hogan and 16 Lexis-Nexis.</p> <p>17 Q Any others that you can recall?</p> <p>18 A No.</p> <p>19 Q So the E-oscar system, that's how 20 you respond to the ACDVs. Correct?</p> <p>21 A Yes.</p> <p>22 Q All right. And we'll get to that 23 in a minute. Tell me about mainframe. What does 24 that mean?</p> <p>25 A Oh, those are the systems that we</p>	<p style="text-align: right;">Page 16</p> <p>1 original US Bank credit card application?</p> <p>2 A No.</p> <p>3 Q Okay. Do you have access to any 4 original customer account application?</p> <p>5 MS. SILVERMAN: Just for the record 6 I'm going to object to the term "original," but 7 you can answer the question if you understand it.</p> <p>8 A Basically customer service can pull 9 all that information, and it's not necessary 10 normally for us to pull that original application 11 for our customer.</p> <p>12 Q (BY MR. LYONS) In the credit 13 dispute area it's not?</p> <p>14 A Right. If we can find it. But 15 normally we cannot find them because they're 16 imaged and they're in archives.</p> <p>17 Q And that's kind of what I was 18 referring to. So there are -- if you had to look 19 for something like that, an old credit 20 application --</p> <p>21 A Yeah, I wouldn't have access 22 myself, but we did have somebody that was able to 23 pull them for us if we needed them.</p> <p>24 Q Okay. Who would that person be?</p> <p>25 A I don't know because they're not</p>
<p style="text-align: right;">Page 15</p> <p>1 use to look up current credit cards that possibly 2 have delinquent marks but aren't charged off to 3 the RMS screen.</p> <p>4 Q Okay. So RMS is the recovery or 5 the -- like collection information?</p> <p>6 A Well, yes. The charge-off screen.</p> <p>7 Q And mainframe is the -- is -- how 8 do you distinguish that between RMS? Those are 9 accounts that have not been charged off?</p> <p>10 A Right.</p> <p>11 Q Do you have access to any image 12 documents? For example, credit applications or 13 anything like that?</p> <p>14 A No.</p> <p>15 Q Do you understand what I mean when 16 I say that?</p> <p>17 A Credit applications from customers?</p> <p>18 Q Right.</p> <p>19 A That, if I could pull the credit 20 report to see what, how their credit is 21 reporting?</p> <p>22 Q No, I'm thinking about it more like 23 on the -- and you can tell me whether this is 24 wrong or right, but on the mainframe system do 25 you have access to, for example, Tommy Lyons's</p>	<p style="text-align: right;">Page 17</p> <p>1 normally -- they're not the person doing -- I 2 don't know their name right now because that was 3 a while back when we used to have somebody pull 4 them for us.</p> <p>5 Q Okay. And did you have anybody 6 pulling them back in 2010 for you?</p> <p>7 A No.</p> <p>8 Q Okay. So we talked about 9 mainframe, we talked about RMS, that's the system 10 that has the charge-off accounts, then you 11 mentioned something about credit reports. What 12 system would you access to obtain credit reports?</p> <p>13 A Those are the actual Equifax, Trans 14 Union, and Experian credit bureau websites that 15 we have access to.</p> <p>16 Q So you would go onto those websites 17 and pull them or review them that way, correct?</p> <p>18 A Yes.</p> <p>19 Q And then tell me about, what's 20 Hogan?</p> <p>21 A We can look up to see if they have 22 another account besides a credit card. For 23 example, a checking account.</p> <p>24 Q Okay. So that's, Hogan is a system 25 that you would look at that would examine</p>

5 (Pages 14 to 17)

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<p style="text-align: right;">Page 18</p> <p>1 internally whether or not there were other 2 accounts besides an account that was in dispute? 3 A Or -- yes. 4 Q And then tell me about Lexis. 5 What's that? 6 A To see if the person's Social is in 7 there just for reference. Sometimes we have to 8 look up information just for verification 9 purposes. 10 Q What system do you use to find out 11 whether or not a person's filed bankruptcy? 12 A We can either call bankruptcy or we 13 can look on Lexis-Nexis, but I trust the 14 bankruptcy department more than I do Lexis. 15 Q Okay. 16 A But sometimes that is also noted 17 in the RMS screen itself. 18 Q Whether or not they filed 19 bankruptcy? 20 A Yes. 21 Q Okay. Now, after taking on the 22 position in 2009 as a account processor, did you 23 receive any training related to the Fair Credit 24 Reporting Act? 25 A I'm sorry, can you say what that</p>	<p style="text-align: right;">Page 20</p> <p>1 A We take courses each year, so yes. 2 Q Did you take one in 2009? 3 A Yes. 4 Q And then you would have taken one 5 in 2010? 6 A Right. But they have different 7 courses each year. They're not always the same 8 courses. 9 Q Okay. And so how do you know what 10 course to take? Or does the bank tell what you 11 course they want you to take? 12 A Right. They're already assigned 13 for each one of us to complete. 14 Q Okay. So you took a course in 15 2009, you took a course in 2010. Correct? 16 A Right. 17 Q And did you take one in 2011? 18 A Yes. 19 Q Okay. And have you taken one yet 20 in 2012? 21 A No. 22 Q And are you scheduled to take 23 another test in 2012? 24 A Yes, we will be, but I haven't 25 taken one yet because we're not opted to do so</p>
<p style="text-align: right;">Page 19</p> <p>1 Fair Credit Reporting Act is? 2 Q Sure. Have you ever heard of the 3 Fair Credit Reporting Act? 4 A Yes, but we don't receive training. 5 We take online like scenarios for processing 6 that, but we don't actually get any training in 7 person for that. 8 Q So it's done online is what you're 9 saying? 10 A Right. 11 Q So is it done through E-oscar, or 12 is it done through another system at the bank? 13 A It's done through another system. 14 Q And what's that system called? 15 A We just have to take online courses 16 each year. So it's through the bank. 17 Q Okay. And is it like a multiple 18 choice test or is it -- you said something about 19 online scenarios. Explain what you mean by that. 20 A Yes. Well, it's just little 21 scenarios about a customer. It, it's basically 22 we just have to finish the courses. And then 23 they give synopses. 24 Q Lori, did you take the online 25 courses in 2009?</p>	<p style="text-align: right;">Page 21</p> <p>1 quite yet this early in the year. 2 Q Okay. And then after those tests 3 are completed by you in each of those years, are 4 they, do you get the results? 5 A They're already automatically 6 calculated as soon as we submit them online. 7 Q So do you receive the results 8 immediately after you complete the test? 9 A Yes. 10 Q Was that a yes? 11 A Yes. 12 Q And then do you go over the test 13 results with supervisors or any other staff at 14 the bank? 15 A No. 16 Q Okay. In addition to the tests 17 that you take, is there any other time, or have 18 there been any other times since you started in 19 2009 where you had some kind of performance 20 review or audit of your work product? 21 MS. SILVERMAN: Objection, I'm just 22 going to object to the extent that I think 23 there's a difference between an audit and a 24 performance review, but you can answer the 25 question.</p>

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 A Work does get audited by our 2 supervisor, and then we do have yearly reviews. 3 Q (BY MR. LYONS) Okay. So those are 4 two separate things? 5 A Yes. 6 Q Okay. So yearly review, you have 7 those once a year and you meet with your 8 supervisor; is that correct? 9 A Yes. 10 Q And are you provided with any 11 written results of the performance review? 12 A Yes. 13 Q Okay. And then what do you do with 14 those? 15 A I filed some of them and then I 16 also took some home as well. 17 Q And for the most part, since 2009 18 how have your performance reviews been? 19 A Solid performance. 20 Q No discipline or reprimands about 21 how you're doing your job? 22 A Correct. 23 Q And then separate and apart from 24 that, are these -- are the audits that I was 25 speaking of, are you aware of when you're audited</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Okay. And during those times, 2 those occasions since 2009, were those times 3 where US Bank supervisors were pointing out to 4 you things that they wanted you to do 5 differently? 6 A Yes. 7 Q Okay. So without being too harsh, 8 I guess what I'm saying, are they, are they more 9 like critiques where they say, "Okay, Lori, we 10 reviewed some things that you have done last week 11 and here's how we'd like you to do them 12 differently?" 13 A Right. Because they could be 14 audited, audits on phone calls or other 15 performance. 16 Q Other job, other jobs that you're 17 doing. Right? 18 A Right. 19 Q So have you ever had an audit or a 20 critique on your ACDV processing? 21 A Well, not -- I mean, I am sure they 22 have been audited, but not a critique. 23 Q Okay. No one's pulled you aside 24 and said, "Hey, Lori, we've looked at your ACDVs 25 that you did," either yesterday or last week or</p>
<p style="text-align: right;">Page 23</p> <p>1 or not? 2 A No. 3 Q Okay. So those happened 4 independently without your knowledge? 5 A Yes. 6 Q And then are -- during the 7 performance review, is, are any of the audits 8 that have been conducted on your work reviewed 9 with you at that time? 10 A Reviewed at the same time, no. 11 Q Is there a separate time when, 12 after the audit occurred, that someone comes up 13 to you and says, "Hey, look, last week we spent 14 some time and did a couple audits on your work 15 performance and we'd like to talk about it?" Is 16 that how that goes, or not? 17 A Yes. 18 Q Have you ever had any examples of 19 times when your work has been audited and then 20 someone came and approached you from the bank to 21 talk about it? 22 A Yes. 23 Q How many occasions has that 24 happened since you started in 2009? 25 A Maybe twice or three times.</p>	<p style="text-align: right;">Page 25</p> <p>1 whenever, "and we'd like to you do them 2 differently, this is what we think you should do 3 in the future"? 4 A Right. 5 Q Never had an occasion like that? 6 A No. 7 Q And what is the -- since 2009 -- 8 strike that. 9 In 2009, what was your compensation 10 package as an account processor? 11 MS. SILVERMAN: Objection. I'm not 12 going to let her testify to what she makes. It's 13 not relevant to anything here. 14 Q (BY MR. LYONS) Lori, do you make 15 an annual salary? 16 A We actually are compensated by an 17 hourly rate. 18 Q Okay. So it's an hourly, you work 19 by the hour? 20 A Yes. 21 Q Okay. And are there any bonuses 22 that you can achieve in your employment based on 23 how many ACDVs you process? 24 A No. 25 Q Okay. And is there a quota system</p>

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<p style="text-align: right;">Page 26</p> <p>1 or a requirement that you need to process so many 2 ACDVs per day, per hour? 3 A Well, we just have a requirement of 4 so many numbers we have to complete for our whole 5 I guess day of items that we touched. You know, 6 if we spend so much time on each item, so not 7 ACDVs in particular. 8 Q So the way I understand it is there 9 may be some numbers that you're trying to meet 10 per day. Correct? 11 A Yes. 12 Q And is that individually, or is 13 that as a team? 14 A Individually. 15 Q Okay. And so give me an example of 16 what you're, what you're talking about 17 individually. 18 A Normally 75 items a day. 19 Q Okay. And those could be telephone 20 calls, letters, or ACDVs. Correct? 21 A Yes. 22 Q All right. And so 75 items per 23 day, and you work, what, eight hours a day? 24 A Yes. 25 Q But is one of those hours lunch?</p>	<p style="text-align: right;">Page 28</p> <p>1 the supervisors to view. 2 Q So you keep like a daily sheet? 3 A Yes. 4 Q And is it, can you explain to me 5 what that sheet looks like? Is it simply just 6 like three columns that say ACDV, telephone, and 7 letter, and then you just put hash marks next to, 8 under each column? 9 A Right. Or at the -- well, I use my 10 sheet plus the spreadsheet. So for the ones that 11 I put on the log, maybe letters, because we type 12 letters for any responses that we make, send 13 letters for a person who submits an AUD over the 14 phone and then they also want a letter, and I 15 would type up the letter and put a hash mark for 16 the letters that I do for that day. 17 And then for ACDVs I can look those 18 numbers up on E-oscar, so I would just put that 19 in the spreadsheet. So sometimes I just write it 20 down on my log, so then when I enter those 21 numbers in I can put them in the spreadsheet 22 quickly. 23 Q Got it. Thank you. Let me ask you 24 one more question about your employment. Since 25 2009 have you received a increase to your hourly</p>
<p style="text-align: right;">Page 27</p> <p>1 A Yes. 2 Q So it's really seven hours that 3 you're actually spending working, right? 4 A Yes. 5 Q All right. And if you don't meet 6 the 75 items per day, is there some consequence? 7 A I'm sorry, can you repeat that? 8 Q Sure. If you don't hit your 9 number, if you don't hit 75 items per day, is 10 there some consequence? 11 A Oh, no. 12 Q Does that come up in your reviews 13 if you're consistently not hitting your number? 14 A Well, it hasn't came up in my 15 review. 16 Q Okay. How do you measure how many 17 items a day you are working? Do you have to keep 18 a log? Or what do you do? 19 A Yes. 20 Q All right. And is it, is it 21 handwritten, or is it computerized? 22 A Both. 23 Q Explain that to me. 24 A I handwrite my own, and then at the 25 end of the day I log it in to the computer for</p>	<p style="text-align: right;">Page 29</p> <p>1 wage? 2 A Yes. 3 Q And at any time since 2009 has 4 there been a time where your hourly rate was 5 reduced? 6 A No. 7 Q Okay. I think the court reporter 8 has marked as Deposition Exhibit No. 1 a document 9 that she will hand to you and I would like for 10 you to review. 11 A Okay. 12 MS. SILVERMAN: For the record, is 13 this the Notice of Deposition? 14 MR. LYONS: Yes. 15 MS. SILVERMAN: Thank you. 16 Q (BY MR. LYONS) Lori, do you have 17 that document in front of you? 18 A Oh, yes, I'm reviewing it. 19 Q Okay, good, I was going to ask you 20 to do that next. Have you seen this document 21 before? 22 A Yes. 23 Q All right. In this, in the 24 deposition notice which is what we call Exhibit 25 1, it asks that you bring to the deposition any</p>

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<p style="text-align: right;">Page 30</p> <p>1 copies of any ACDV operators manual that you use. 2 Do you see that in Exhibit 1? 3 MS. SILVERMAN: Just for the 4 record, it doesn't say that she uses it, it just 5 says a manual. 6 MR. LYONS: Oh, you're right. 7 Q (BY MR. LYONS) Lori, do you use a 8 ACDV operators manual or policy and procedure 9 guide in your work? 10 A No. 11 Q Okay. So there is no manual that 12 you refer to if you have questions or if you are 13 confused about steps to take in processing ACDVs? 14 A Well, we could use one, but I don't 15 use one. 16 Q Okay. And have you ever used one? 17 A Yes. For guidance. 18 Q Okay. So you have used a manual 19 before? 20 A Yes. 21 Q All right. And now I'm going to 22 show you what's been marked as I think Deposition 23 Exhibit No. 4. Lori, do you see what's been 24 marked as Deposition Exhibit No. 4? 25 A Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 A Yes. 2 Q All right. And you see your name 3 is listed over on the right hand side of the page 4 under Authorized Verifier. Do you see that? 5 A Yes. 6 Q Kind of middle of the page on the 7 right? 8 A Yes. 9 Q And then you see the phone number, 10 314-996-0833. Do you see that? 11 A Yes. 12 Q And is that your direct dial? 13 A No. 14 Q Whose telephone number is that? 15 A That was my old number. 16 Q Okay. And was it your telephone 17 number in October of 2010? 18 A It should have been. I don't 19 remember. 20 Q Okay. But you have a different 21 telephone number now? 22 A Yes. 23 Q And do you normally put your direct 24 dial on your ACDV responses? 25 A We don't type it in, it's just</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Okay. This is what has been 2 produced by your attorney as responsive to No. 1 3 in Exhibit No. 1 about the ACDV operators manual, 4 policy and procedure guide. Do you see that? 5 A Yes. 6 Q Okay. And is this the manual or 7 guide that you were referring to when you said 8 that you had used a manual in the past? 9 A Yes, but some of the items, they 10 look a little more scrunched up than the actual 11 manual itself, and all of it doesn't really look 12 familiar. 13 Q Okay. So Exhibit No. 4 is Bates 14 labeled US Bank/Baltz 159 through 175, I'm going 15 to ask you some questions about this in a minute, 16 Lori, but for now just set it aside. 17 A Okay. 18 Q Then what I'd like to mark as 19 Deposition Exhibit No. 2 is the Experian/Baltz 20 confidential document 0110. 21 A Okay, I have it. 22 Q And can you identify it for me? 23 A It looks like the copy of the 24 E-oscar screen print of his dispute. 25 Q Okay. Of an ACDV dispute?</p>	<p style="text-align: right;">Page 33</p> <p>1 automated. 2 Q Okay. That field is automatically 3 populated? 4 A Yes. 5 Q All right. Now, have you read the 6 complaint that was filed by Mr. Baltz against US 7 Bank? 8 A Are you referring to the dispute 9 reason? 10 Q No, I'm talking about the lawsuit 11 that he filed against US Bank. 12 A Did I read the actual suit? 13 Q Yeah. 14 A No. 15 Q Okay. And in preparation for your 16 deposition today, did you review any documents? 17 A Yes. 18 Q What did you review? 19 A The Exhibit 1. 20 Q Okay. Anything else? 21 A Well, and the Exhibit 4. 22 Q Okay. That's the manual that we 23 talked about before. Right? 24 A Right. 25 Q And did you get a chance to look at</p>

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<p style="text-align: right;">Page 34</p> <p>1 Exhibit No. 2, this ACDV from Experian?</p> <p>2 A No.</p> <p>3 Q Okay. So take a minute and look at</p> <p>4 it, and I understand that this is, this is like a</p> <p>5 screen shot. Right?</p> <p>6 A You said it is a screen shot?</p> <p>7 Q I'm asking you if that's what you</p> <p>8 understand it is.</p> <p>9 A Yes.</p> <p>10 Q Does US Bank save the ACDVs that it</p> <p>11 processes in the normal course of business?</p> <p>12 A Yes. For a period of time.</p> <p>13 Q And how long is that?</p> <p>14 A I don't know.</p> <p>15 Q And does that just happen</p> <p>16 automatically, or do you need to do something to</p> <p>17 make that happen after you complete an ACDV?</p> <p>18 A No, it's automatic.</p> <p>19 Q Okay. So as you look at Exhibit 2,</p> <p>20 you understand that the dispute that Mr. Baltz</p> <p>21 was raising is listed as a dispute reason field</p> <p>22 kind of at the top of the page. Right?</p> <p>23 A Right.</p> <p>24 Q And it was coded as a, "Not his or</p> <p>25 hers, provide complete ID, account belongs to my</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yes.</p> <p>2 Q (BY MR. LYONS) Okay. And in fact,</p> <p>3 some of your work product is right on this page.</p> <p>4 Correct? Some of what you did is right here in</p> <p>5 front of us on Exhibit 2. Right?</p> <p>6 A Yes.</p> <p>7 Q Okay. So in reviewing the ACDV, it</p> <p>8 appears that you changed or modified some</p> <p>9 information. Correct?</p> <p>10 A Yes.</p> <p>11 Q And can you explain to me what</p> <p>12 information you modified?</p> <p>13 A I can explain possibly some of it,</p> <p>14 but basically it's fill in the blank. Like the</p> <p>15 special comment code, O means that it's sold, so</p> <p>16 I would have put that in there. But since it's a</p> <p>17 screen printout, I don't really know what was</p> <p>18 already populated and what I would have put in</p> <p>19 there.</p> <p>20 Q Okay. So where it says "subscriber</p> <p>21 response," do you understand that that's the</p> <p>22 information that US Bank responded with in the</p> <p>23 bold on the left?</p> <p>24 A The dispute reason? Or -- oh, the</p> <p>25 response, 02 modify, yes, that's what I would</p>
<p style="text-align: right;">Page 35</p> <p>1 Aunt Mary Patterson, I was given card for</p> <p>2 emergency use, not liable for account." Do you</p> <p>3 see that?</p> <p>4 A Yes.</p> <p>5 Q So do you specifically remember</p> <p>6 processing this ACDV back in October of 2010?</p> <p>7 A No.</p> <p>8 Q Okay. And that doesn't surprise</p> <p>9 me. How many ACDVs do you usually process in a</p> <p>10 day?</p> <p>11 MS. SILVERMAN: Objection, calls</p> <p>12 for speculation. You can answer if you know.</p> <p>13 A I don't know.</p> <p>14 Q (BY MR. LYONS) Well, it could be</p> <p>15 up to 75, right?</p> <p>16 A Or more. Yes.</p> <p>17 Q Okay. So you don't remember this</p> <p>18 one specifically. Right?</p> <p>19 A No.</p> <p>20 Q Okay. But looking at it now, do</p> <p>21 you know what steps you would have taken to</p> <p>22 process this ACDV, given what's in the dispute</p> <p>23 reason field?</p> <p>24 MS. SILVERMAN: Objection, calls</p> <p>25 for speculation, but you can answer if you know.</p>	<p style="text-align: right;">Page 37</p> <p>1 have put in there.</p> <p>2 Q Okay. So that means you modified</p> <p>3 this trade line in some way. Correct?</p> <p>4 A Yes.</p> <p>5 Q All right. And do you understand</p> <p>6 that the information that's in bold under the</p> <p>7 column "subscriber response" is the information</p> <p>8 that you modified?</p> <p>9 MS. SILVERMAN: Objection. I think</p> <p>10 there's a distinction between what she actually</p> <p>11 modified and what might have been modified by US</p> <p>12 Bank.</p> <p>13 Q (BY MR. LYONS) Is that what your</p> <p>14 understanding is, Lori?</p> <p>15 A Yes. Some of the information is</p> <p>16 already on the screen when you pull up the</p> <p>17 E-oscar screen print, so some of it needs to be</p> <p>18 modified and other fields don't need</p> <p>19 modification. So by looking at this, I'm not</p> <p>20 really able to see which ones --</p> <p>21 Q Which ones the bank did</p> <p>22 automatically and which ones you had to do</p> <p>23 manually?</p> <p>24 A Yes.</p> <p>25 Q How would you have investigated the</p>

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<p style="text-align: right;">Page 38</p> <p>1 issue of his, Mr. Baltz's, claim that he was not 2 liable for the account? 3 MS. SILVERMAN: Objection again, 4 just for the record, calls for speculation. She 5 doesn't remember this particular ACDV. But she 6 can answer. 7 A Well, basically to me it looks like 8 it was a chargeoff account because of the special 9 comment code that it was sold, so I would have 10 went to the RMS system and looked up the 11 information and compared John Baltz's information 12 with the RMS screen in comparison to his E-oscar 13 online dispute. And modified any incorrect 14 information that may have been on the E-oscar 15 screen. 16 Q (BY MR. LYONS) And typically would, 17 where someone says that they're not liable on the 18 account, do you make any effort to request the 19 original account application? 20 MS. SILVERMAN: Objection, again, 21 calls for speculation, but you can answer. 22 A No. 23 Q (BY MR. LYONS) Now, I know that 24 you don't recall what you did specifically with 25 Exhibit 2, but now I'm going to ask you just</p>	<p style="text-align: right;">Page 40</p> <p>1 see any information that would indicate that this 2 was a joint account? 3 A I'm looking for the actual joint 4 modification code. I don't see it on here, but I 5 could be overlooking it. It's usually under the 6 E -- go ahead. 7 Q I was going to tell you, the ECOA 8 field is the field you're looking for, right? 9 A Right. That's where I don't see 10 anything marked in there. 11 Q On the -- see where it says on 12 profile? In the middle of the page? That middle 13 column? 14 A Yes. 15 Q Do you see where the ECOA field is 16 two lines down from that? 17 A With the 1 in there? 18 Q Yeah. 19 A Oh, okay. Yeah. 20 Q Okay. So would that be the 21 individual account? 22 A I think so. 23 Q Okay. But you're not sure? 24 A Not positive. 25 Q All right. What do you -- how --</p>
<p style="text-align: right;">Page 39</p> <p>1 generally, if someone says, or if you receive an 2 ACDV where the, where the customer is saying 3 look, I'm not liable on this account, it was 4 somebody else's, is there ever a time that you 5 recall requesting a copy of the original 6 application to see whether or not the consumer 7 was properly on the card? 8 A No. 9 Q Okay. So that's just something 10 that you don't do? 11 A No. 12 Q Okay. Now, from your review of 13 Deposition Exhibit No. 2, do you see anything in 14 here about bankruptcy? About Mr. Baltz filing 15 bankruptcy? 16 MS. SILVERMAN: Objection. Are you 17 asking her to just read the screen print in front 18 of her? 19 MR. LYONS: I am, yes, that's 20 exactly what I'm doing. 21 MS. SILVERMAN: Okay. Just 22 clarifying. 23 MR. LYONS: Yep. 24 A I don't see any information. 25 Q (BY MR. LYONS) Okay. And do you</p>	<p style="text-align: right;">Page 41</p> <p>1 in the "subscriber response" field, how or what 2 would you do to indicate that it was a joint 3 account? 4 MS. SILVERMAN: Objection, calls 5 for speculation. You can answer. 6 A Well, really it's the job down 7 field, sometimes it's already in there, and other 8 times you can choose to drop down -- I think 9 number 2 is for a joint, but I would have to see 10 the E-oscar actual screen. 11 Q (BY MR. LYONS) To see what the 12 options are? 13 A Right. 14 Q All right. Let's take a look at 15 Deposition Exhibit No. 3, which is the TU0032 16 document. Lori, I'm showing you what's been 17 marked as Deposition Exhibit No. 3. Have you 18 seen this document before? 19 A No. 20 Q All right. This is an ACDV that 21 was produced by Trans Union that has your name on 22 it kind of in the middle of the page under 23 "authorized phone number." Or "phone and name." 24 Do you see that, kind of in the middle? 25 A Yes.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q All right. Do you see your name 2 there? 3 A Yes. 4 Q All right. And that, this one has 5 a different telephone number on it, 314-216-4015. 6 Do you know whose telephone number that is? 7 A Yes. 8 Q Whose is that? 9 A That's mine. 10 Q That's yours currently? 11 A Yes. 12 Q Okay. And the date of this ACDV 13 appears to be sometime in September of 2010, I 14 think if you look up at the middle top portion of 15 the page, right below the control number? 16 A Oh, okay. The date that it was 17 entered. 18 Q There's actually two dates. 19 There's another one kind of kitty corner up to 20 the left that says "subscriber response date 21 10/4/2010," that's probably your, that's probably 22 the date that you're the subscriber, US Bank is 23 the subscriber, so maybe that's the right date. 24 Do you know? 25 A Do I know what? I'm sorry.</p>	<p style="text-align: right;">Page 44</p> <p>1 except it looks like it's asking US Bank for more 2 information. Would you agree with that? 3 MS. SILVERMAN: Objection. You can 4 answer that question, but I think it calls for a 5 legal conclusion. 6 A Yeah, I don't know what they're 7 asking. I would have verified that on the Oscar 8 screen when he was submitting his dispute. 9 Q (BY MR. LYONS) Okay. But am I 10 right, when I read this, is this something that 11 says to you that Trans Union is asking US Bank to 12 verify information and provide information? 13 A I really don't know what this 14 screen is right here that I'm -- or this exhibit 15 that I'm looking at. I guess this is another 16 version of what he's asking? 17 Q I'll represent to you that this is 18 an ACDV that was produced by Trans Union, and 19 Trans Union is representing that this is the ACDV 20 that you completed and sent back to them in 21 October of 2010. 22 A Right, but -- 23 MS. SILVERMAN: For the record, I 24 think she's testified that she's never seen this 25 and she's not familiar with this format. So to</p>
<p style="text-align: right;">Page 43</p> <p>1 Q Well, which date is correct? 2 A Well, I see the response is 3 required by day and a response date. 4 Q Okay. And the response date is 5 10/4/2010? 6 A I'm not sure what the -- it's a 7 little unclear. US subscriber response date, I 8 guess that's the response date that I responded 9 on. 10 Q Okay. 11 A Or I can't read the -- but I'm not 12 really sure. That looks like the date that I 13 would have responded on. 14 Q Okay. So now this ACDV has a 15 dispute that says -- it's kind of towards the 16 middle of the page, it says, "not liable for 17 account, i.e. ex-spouse, business," do you see 18 that? 19 A Yes. 20 Q And then it says, "If liable, 21 provide complete ID and ECOA code. Claims 22 company will delete. Verify all account 23 information." Do you see that? 24 A Yes. 25 Q So it's similar to the Exhibit 2,</p>	<p style="text-align: right;">Page 45</p> <p>1 the extent she can answer, she can answer. 2 MR. LYONS: Okay. 3 A I mean, because you're stating that 4 I would have submitted this, but it looks pretty 5 vague as far as what I would submit. I don't see 6 any, anything that looks like the other exhibit, 7 the E-oscar screen. 8 Q (BY MR. LYONS) The Exhibit 2? 9 A Yes. 10 Q All right. I think that Exhibit 2 11 is Experian's form and Exhibit 3 is Trans Union's 12 form. As far as I can tell, US Bank doesn't have 13 a, their version that was produced because it was 14 too late. Unless you can tell me different, 15 Lori, did you see a US Bank screen shot of any 16 ACDVs related to John Baltz? 17 A No. 18 Q Okay. In reviewing Exhibit 3, can 19 you tell me what information you -- or what 20 investigation you performed, if you recall? 21 MS. SILVERMAN: Objection. She's 22 already testified she's never seen this before 23 and it calls for speculation. You can answer. 24 A No. 25 Q (BY MR. LYONS) Okay. So you</p>

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<p style="text-align: right;">Page 46</p> <p>1 can't, you don't recall what you did with regard 2 to the dispute that you received, the ACDV -- the 3 ACDV that you received from Trans Union in 4 October of 2010 related to John Baltz. Correct?</p> <p>5 A Correct.</p> <p>6 Q All right. If Trans Union had 7 asked you to provide information to it, it being 8 Trans Union, would you have provided that 9 information to them in the normal course of 10 responding to ACDVs?</p> <p>11 MS. SILVERMAN: Objection, vague. 12 I don't know what information we're talking 13 about, and calls for speculation. But you can 14 answer.</p> <p>15 A Well, any information that I could 16 provide based on the system information, I would 17 have submitted to all of the credit bureaus. 18 Because the subscriber codes are already on the 19 E-oscar screen.</p> <p>20 Q (BY MR. LYONS) Sure. But if Trans 21 Union -- and I understand you don't recall, you 22 don't even have to look at Exhibit 3 or 2, I'm 23 just asking you a general question. If Trans 24 Union asks you to provide specific information to 25 it in response to an ACDV, would you do that in</p>	<p style="text-align: right;">Page 48</p> <p>1 make sure because I think it's important. If 2 Trans Union or any other credit reporting agency 3 gives you a specific instruction, so, "US Bank, 4 we want you to provide the Social Security 5 number," do you actually provide and type in the 6 Social Security number?</p> <p>7 A If it's correct, we would just 8 submit the box on the E-oscar screen. We don't 9 always type it in. If it's unknown, we put 10 "unknown" in the field. So we modify it if it's 11 incorrect. If it's not, we leave it as it is.</p> <p>12 Q Okay. So you don't -- if it -- if 13 it's correct, you don't type it in?</p> <p>14 A Right. It just depends.</p> <p>15 Q Depends on what?</p> <p>16 A Basically on the actual ACDV. If 17 you can tell that they're stating like he's 18 stating, it's not his account, and we can type it 19 in, that the Social compared to the screen that 20 we're seeing RMS matches, we can type it in. 21 Just depends on how much work you want to add to 22 the E-oscar screen. But most of the time you 23 would just hit the same or fill it in and keep 24 moving on to each location screen, either the 25 name, the Social, and the address would match.</p>
<p style="text-align: right;">Page 47</p> <p>1 the normal course of your business?</p> <p>2 A Right. But they don't actually 3 ever call us or anything to ask us to provide 4 specific information.</p> <p>5 Q Well, if -- they don't call you on 6 the phone to ask you that?</p> <p>7 A No.</p> <p>8 Q Okay. So the only way that you 9 communicate with Trans Union is through ACDV. 10 Right?</p> <p>11 A Right.</p> <p>12 Q Okay. And that's done through the 13 E-oscar system. Correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. So if there's a typewritten 16 instruction in the E-oscar on an ACDV to provide 17 specific information to Trans Union, you would do 18 that. Correct? In response, generally?</p> <p>19 A It just depends on whatever the 20 person wants to type in there in the field, the 21 relevant information field. We can use that as a 22 guideline. But we always respond accurate 23 information to the credit bureaus.</p> <p>24 Q Okay. But -- and maybe we are 25 talking about the same thing but I just want to</p>	<p style="text-align: right;">Page 49</p> <p>1 So I don't know what you're asking about the 2 specific information. We verify information. If 3 it's different, we modify it.</p> <p>4 Q Okay. But if they ask you to 5 actually provide it, you don't type it in?</p> <p>6 A But Trans Union doesn't ask us, 7 it's normally the customer's information that 8 would be on the screen. You're saying if Trans 9 Union would ask us to provide information? I'm 10 not sure why you're saying --</p> <p>11 Q Let me ask you differently.</p> <p>12 A Okay.</p> <p>13 Q Let me ask it a different way. 14 When you get an ACDV, do you understand that 15 that's from the credit reporting agencies? Or 16 that's from the consumer?</p> <p>17 A I'm not sure.</p> <p>18 Q Okay. Now, let me ask you another 19 question. Have you ever seen a field in the 20 E-oscar system that says "consumer message"?</p> <p>21 A Well, the relevant information 22 screen, I'm not sure if it says "consumer 23 message."</p> <p>24 Q Okay. You're familiar with the 25 relevant information field on E-oscar?</p>

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<p>1 A Yes.</p> <p>2 Q Okay. If in the relevant 3 information field you saw the following text, I 4 want you to tell me what you would do. Okay?</p> <p>5 MS. SILVERMAN: Objection, calls 6 for speculation.</p> <p>7 MR. LYONS: I haven't even finished 8 the question.</p> <p>9 MS. SILVERMAN: I know.</p> <p>10 MR. LYONS: Can I finish the 11 question?</p> <p>12 MS. SILVERMAN: You can finish the 13 question, and then I'll object.</p> <p>14 MR. LYONS: Okay. If you saw the 15 text, Lori, in the FCRA relevant information 16 field in E-oscar that says, "unable to 17 authenticate documentation dated 6/8/05," what 18 would you do with that information?</p> <p>19 MS. SILVERMAN: Objection, calls 20 for speculation. If that's on a document, why 21 can't we show that document to her?</p> <p>22 MR. LYONS: Sure, we can. But you 23 objected to the document and said she didn't 24 understand it, so. But you can sure look at it, 25 Lori, it's Deposition Exhibit No. 3.</p>	<p>1 the systems that we see listed on the, on the 2 USB/Baltz Bates number 160 in Exhibit No. 4, none 3 of those systems provide those account 4 applications that we were talking about?</p> <p>5 A Yes.</p> <p>6 Q And then you testified that if you 7 wanted to get or wanted to retrieve an account 8 application, you would want to make some kind of 9 a special request to somebody. Is it somebody in 10 credit or somebody outside of credit?</p> <p>11 A Within my department?</p> <p>12 Q Yeah.</p> <p>13 A We do have someone in my department 14 that can pull them.</p> <p>15 Q Okay. And is that a supervisor? 16 Or who, who would that be?</p> <p>17 A A co-worker.</p> <p>18 Q Okay. And is it another ACDV 19 processor, or somebody else?</p> <p>20 A Another ACDV processor.</p> <p>21 Q Okay. And why does that person 22 have access but you don't?</p> <p>23 A Because she responds to 24 correspondence, and she might need those in order 25 to respond to correspondence.</p>
<p>1 A Well, I wouldn't know what that 2 comment would mean.</p> <p>3 Q (BY MR. LYONS) Okay. Let's take a 4 look at Deposition Exhibit No. 4. Do you have 5 that in front of you?</p> <p>6 A Yes.</p> <p>7 Q Thank you. If you turn to the 8 second page, which is USB/Baltz Bates number 160, 9 the second paragraph talks about the systems that 10 are needed for the process of ACDV are the ones 11 that you had mentioned earlier I think in the 12 deposition. There's ICS, that's, I think you 13 referred to that as mainframe. Correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. And then there's RMS, we 16 talked about that, and E-oscar. So there is a 17 system, though, I think you testified earlier, 18 and you please correct me if I'm wrong, that will 19 allow the bank, maybe not your credit department, 20 but the bank to pull up images of account credit 21 applications or original credit documents that 22 open the account. Do you remember me asking 23 about that?</p> <p>24 A Yes.</p> <p>25 Q Okay. And am I right that none of</p>	<p>1 Q And that's kind of part of her job 2 but not part of yours?</p> <p>3 A Well, yes. They gave her access 4 because she does it the majority of the time.</p> <p>5 Q I follow what you're saying. And 6 sometimes you respond to correspondence. 7 Correct?</p> <p>8 A Yes.</p> <p>9 Q And then you have to sit at a 10 different work station to do that? Or not?</p> <p>11 A Can you specify what you mean by 12 "different work station"?</p> <p>13 Q Yeah. I mean, you're telling me 14 that there is someone, someone in your department 15 that can access the system that would allow you 16 to look at account applications. Right?</p> <p>17 A Yes.</p> <p>18 Q And I think probably the easiest 19 thing to do is what -- do you remember the name 20 of the last person that could do that in your 21 department? Who was that?</p> <p>22 A Elaine.</p> <p>23 Q Do you have a last name too?</p> <p>24 A Rapkin. R-a-p-k-i-n.</p> <p>25 Q Okay. So Elaine has the ability to</p>

14 (Pages 50 to 53)

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<p style="text-align: right;">Page 54</p> <p>1 do that from her desk or her computer or her work 2 station, right? 3 A Yes. 4 Q So on the day that you do what 5 Elaine does in responding to correspondence, do 6 you have to change desks with Elaine so that you 7 have access to that same information? 8 A No. 9 Q Okay. You just do it from your 10 desk? 11 A No, I don't do that. She does 12 that. As far as pulling up applications? 13 Q Okay. I guess that's what I was 14 asking. Is there ever an occasion when you are 15 required to pull up an application in responding 16 to correspondence? 17 A No. Well, no. I don't. I could 18 ask Elaine to do it for me. 19 Q Okay. So Elaine is the only one 20 that has access to that? 21 A Yes. 22 Q All right. And how long have you 23 and Elaine been working together? 24 A Well, we're in the same department. 25 Q Right.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Sure. Madam Court Reporter, can 2 you read it back for her? 3 THE REPORTER: "But since you've 4 started there, there has never been an occasion 5 that you can recall when you made the request to 6 either Elaine or whoever Elaine's predecessor was 7 to make a request to have access to the system to 8 get account applications. Correct?" 9 A To actually get the system on my 10 computer? Or to -- 11 Q (BY MR. LYONS) No, no, no. To 12 actually retrieve an original application. An 13 image of it. 14 A Oh, yes, I have requested one 15 before. 16 Q Oh, you have. 17 A Yes. 18 Q And on how many previous occasions? 19 MS. SILVERMAN: Objection, she said 20 she doesn't remember. 21 A I wouldn't know. I don't know. 22 Q (BY MR. LYONS) Well, less than 23 five? 24 A No, more, more than five, but it 25 was more so in the past.</p>
<p style="text-align: right;">Page 55</p> <p>1 A Since, since I've been here. 2 Q That's 2009? 3 A Yes. 4 Q And I think you testified before 5 that it wasn't always Elaine that was the one 6 that had access to the system that allows you to 7 pull up applications, correct? 8 A Yes. 9 Q There was somebody before Elaine? 10 A Yes. 11 Q And you don't remember that 12 person's name? 13 A No. 14 Q Okay. But since you've started 15 there, there has never been an occasion that you 16 can recall when you made the request to either 17 Elaine or whoever Elaine's predecessor was to 18 make a request to have access to the system to 19 get account applications. Correct? 20 MS. SILVERMAN: Objection, asked 21 and answered. 22 Q (BY MR. LYONS) You can answer it, 23 Lori. 24 A I'm sorry, can you repeat the 25 question?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Okay. And why has that changed? 2 What has changed in your employment scenario that 3 would require you to request less? 4 A We had a procedure change in 5 responding to correspondence. 6 Q Okay. Now, let me ask you 7 basically the same question, just with a little 8 different twist. Have you ever requested from 9 Elaine or Elaine's predecessor an account 10 application or an image of such related to a 11 credit bureau dispute or an ACDV dispute? 12 A Not for an ACDV dispute. We don't 13 use application references for ACDV responding. 14 Q Thank you. Then if you can turn to 15 page 174 in Exhibit No. 4? 16 A Okay. 17 Q Are you there? 18 A Yes. 19 Q Okay. These are what? This list 20 of codes, what are these? If you know. 21 A I don't know all the codes. 22 Q But generally what are they? Do 23 you recognize any of them? 24 A Codes that the customer could use 25 to dispute their claim.</p>

15 (Pages 54 to 57)

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<p style="text-align: right;">Page 58</p> <p>1 Q Okay. So you believe these are 2 codes that the customer would send in to US Bank 3 to describe his dispute?</p> <p>4 A Possibly.</p> <p>5 Q And does the number of the code 6 trigger a different type of investigation by you 7 or the other ACDV processors?</p> <p>8 A I don't know if these codes are 9 updated, but I guess they could. But I don't, I 10 don't know.</p> <p>11 Q Okay, let me ask the question a 12 different way. You're familiar with some of the 13 codes on here. Correct?</p> <p>14 A Mostly just 1 and 2.</p> <p>15 Q Okay. Are those the ones you're 16 mostly familiar with?</p> <p>17 A Yes.</p> <p>18 Q Okay. Have you ever had to process 19 a code 101?</p> <p>20 A Right, but I'm not sure where these 21 would be on the E-oscar screen.</p> <p>22 Q The codes, or the texts?</p> <p>23 A Well, I'm not sure what you mean by 24 would I process one. Would I respond to somebody 25 saying it's not liable for the account?</p>	<p style="text-align: right;">Page 60</p> <p>1 If you would, I'd like you to turn to Exhibit No. 2 3 for me?</p> <p>3 A Okay.</p> <p>4 Q And Mr. Lyons was asking you about 5 a certain section of the Trans Union ACDV 6 response, it says "consumer message"? And I just 7 wanted you to clarify for the record, when you're 8 looking at your ACDV screen, do you see something 9 that says "consumer message" on it?</p> <p>10 A No.</p> <p>11 MS. SILVERMAN: Okay. That's all I 12 have.</p> <p>13 EXAMINATION</p> <p>14 QUESTIONS BY MR. LYONS:</p> <p>15 Q I have one followup question. 16 Lori, this is Mr. Lyons again. You said earlier 17 that there is a field that you're aware of called 18 the FCRA relevant information field. Correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. And sometimes that's 21 populated with text. Correct?</p> <p>22 A Yes.</p> <p>23 MR. LYONS: Thank you. No further 24 questions.</p> <p>25 MS. SILVERMAN: We'll read and</p>
<p style="text-align: right;">Page 59</p> <p>1 Q Right. Have you ever seen that 2 dispute before?</p> <p>3 A I might have seen it typed in 4 before, yes.</p> <p>5 Q And if you have, I'm just asking 6 you if that triggers a different type of 7 investigation than, say, a not his or hers?</p> <p>8 A No, because we always verify the 9 Social on each claim.</p> <p>10 Q Okay. So what I'm asking you is, 11 is the investigation procedure the same, 12 regardless of the code?</p> <p>13 A Yes.</p> <p>14 MR. LYONS: Lori, thank you. I 15 have no further questions.</p> <p>16 MS. SILVERMAN: Can we take like a 17 two minute break, and then I have like one or two 18 questions?</p> <p>19 MR. LYONS: Sure.</p> <p>20 MS. SILVERMAN: Great. Thank you. 21 (Off the record.)</p> <p>22 EXAMINATION</p> <p>23 QUESTIONS BY MS. SILVERMAN:</p> <p>24 Q All right, are we back on the 25 record? Lori, I just have one question for you.</p>	<p style="text-align: right;">Page 61</p> <p>1 sign, please.</p> <p>2 THE REPORTER: Okay, that's fine. 3 Ellen, what format would you like your transcript 4 in?</p> <p>5 MS. SILVERMAN: Electronic and 6 condensed.</p> <p>7 THE REPORTER: Thank you. And Mr. 8 Lyons, you said you just needed the electronic?</p> <p>9 MR. LYONS: Yeah, that -- well, 10 I'll have the condensed too, that's fine.</p> <p>11 THE REPORTER: Okay. Thank you 12 both very much.</p> <p>13 (Wherein, the taking of the instant 14 deposition ceased at 11:10 a.m.)</p> <p>15 (Deposition to be read and signed 16 by the witness.)</p>

16 (Pages 58 to 61)

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Jason Scott

1 IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

3 JOHN BALTZ,)
4 PLAINTIFF,)
5 VS.) COURT FILE NO.:
6 U.S. BANCORP d/b/a U.S.) 11-cv-170 JRT/AJB
7 BANK,)
8 DEFENDANT.)

10 ORAL AND TELEPHONIC DEPOSITION OF

11 JASON SCOTT

12 MARCH 27, 2012

13 Volume 1

14 ORAL AND TELEPHONIC DEPOSITION OF JASON SCOTT,
15 produced as a witness at the instance of the PLAINTIFF,
16 and duly sworn, was taken in the above-styled and
17 numbered cause on the 27th of March, 2012, from 10:11
18 a.m. to 11:11 a.m., via telephone, before Gwendolynn R.
19 Murphy, CSR in and for the State of Texas, reported by
20 machine shorthand, at the offices of Experian
21 Information Solutions, Inc., pursuant to the Federal
22 Rules of Civil Procedure.

23

24

25

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Jason Scott

2

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1 (Exhibits 1-4 marked)

2 JASON SCOTT,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. LYONS:

6 Q. Sir, can you state your full name for the
7 record, spelling your last name?

8 A. Certainly. My name is Jason Michael Scott,
9 S-C-O-T-T.

10 Q. And, Mr. Scott, what is your current job title
11 at Experian?

12 A. Senior regulatory affairs specialist, I
13 believe. I have not looked at it in -- in a while, so I
14 believe that's what it is.

15 Q. All right. And can you tell me what job
16 responsibilities you have as a senior regulatory affairs
17 specialist?

18 A. Certainly. I act as a liaison between
19 Experian's internal and external counsel. I review
20 certain cases to check for any liability. Just,
21 basically, act as a liaison between our external
22 counsel, Jones Day.

23 Q. Okay. And how long have you been with
24 Experian?

25 A. Since January of 2003.

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1 Q. And have you been in the same capacity or have
2 you -- has your job title switched over the years?

3 A. No, I've had many job titles over the years.

4 Q. Okay. Tell me what the original job title was
5 that you had when you started in January of 2003.

6 A. In January of 2003, I would have been a dispute
7 agent. I'm not certain of the exact phrasing of the
8 title, but I'm sure you are familiar with the position.

9 Q. Yeah, and that's what I kind of wanted to get
10 into next. You -- do you have a working knowledge of
11 ACDVs?

12 A. I can explain the fields on the ACDV form. But
13 as far as what an agent might do if they were going to
14 process one, I have no experience actually processing
15 ACDVs.

16 Q. But you can read them?

17 A. Yes.

18 Q. Okay. And in your tenure at Experian, how many
19 ACDVs do you think you have reviewed?

20 A. Too many to count, to be honest. I have no
21 idea. Just a lot.

22 Q. Well, like over a hundred?

23 A. Yes.

24 Q. Over a thousand?

25 A. Well, I have been here, you know, quite some

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1 time, so perhaps.

2 Q. All right. And do you have a working knowledge
3 of Experian credit reports and investigation results?

4 A. As in being able to read a CDF form?

5 Q. Yes.

6 A. Yes, sir.

7 Q. Okay. And have you -- how many CDF forms do
8 you think you have reviewed over your tenure of
9 approximately nine years at Experian?

10 A. Again, sir, so many that I really couldn't put
11 a specific number to it. Over 100, less than a
12 thousand.

13 Q. Okay. Thank you. All right. Let's take a
14 look at what has been marked as Deposition Exhibit
15 No. 1. Do you have that document in front of you?

16 A. I do.

17 Q. Okay. And what do you understand Exhibit 1 to
18 be?

19 A. I understand Exhibit 1 to be an ACDV generated
20 on behalf of John Baltz sent to U.S. Bank.

21 Q. And it was sent to U.S. Bank by Experian on or
22 about September 28th, 2010; is that correct?

23 A. Yes, sir, that's correct.

24 Q. And U.S. Bank responded to the ACDV on or about
25 October 5th, 2010?

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1 A. Yes, that is correct.

2 Q. All right. Now, this dispute had to do with
3 "U.S. Bank" and an account number that reads
4 "5415680501092818"; is that correct?

5 A. Yes, that is correct.

6 Q. And the dispute that Mr. Baltz had communicated
7 to Experian, that in turn then was communicated to
8 U.S. Bank; do you see that on Exhibit No. 1?

9 A. Yes, sir, I see the dispute reason.

10 Q. Okay. And what was it?

11 A. The form states that the account does not
12 belong to Mr. Baltz. There's additional text stating
13 that the account belongs to his aunt, Ms. Mary
14 Patterson. That he was given the card for an emergency
15 use and that he is not liable for the account.

16 Q. All right. Now, given that dispute, would
17 Experian expect that U.S. Bank, in conducting its
18 investigation of this dispute, would review its internal
19 account records to process the ACDV?

20 MS. SILVERMAN: Objection, calls for
21 speculation. Lack of foundation.

22 A. I -- I --

23 MR. JOLSON: You can answer the question.

24 A. Yeah, I would anticipate that since the dispute
25 revolves around the ownership, that the creditor would

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1 go through the account records just to determine the --
2 the exact ownership, since that is in dispute.

3 Q. (BY MR. LYONS) All right. And as part of an
4 ownership dispute, does Experian expect its subscribers
5 or data furnishers -- like U.S. Bank -- to examine, in
6 this case, the account application or the account
7 records that gave rise to Mr. Baltz being somehow
8 associated with the account?

9 MS. SILVERMAN: Objection, calls for
10 speculation. Lack of foundation.

11 You -- you can answer if your attorney
12 allows you to.

13 MR. JOLSON: This is Matt Jolson.

14 Yes, you can answer, Jason.

15 A. I'm not really sure what Experian would expect
16 them to review if it pertained to an application or a
17 contract of that sort. I really wouldn't know.

18 Q. (BY MR. LYONS) Well, let me put it a different
19 way, and maybe this is a good place to at least discuss
20 what the relationship is between these two entities.

21 U.S. Bank furnishes information to
22 Experian; is that correct?

23 A. Yes. U.S. Bank is a subscriber to Experian.

24 Q. Okay. And U.S. Bank is -- in this case, has --
25 has already -- prior to the ACDV being sent by Experian

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1 to U.S. Bank, U.S. Bank has already been providing
2 information to Experian -- credit information belonging
3 to Mr. Baltz; is that correct?

4 MS. SILVERMAN: Objection, lack of
5 foundation, but he can answer.

6 A. Yes, there was a U.S. Bank account appearing on
7 Mr. Baltz' disclosure prior to the September 28th ACDV
8 date.

9 Q. (BY MR. LYONS) Okay. And now the dispute
10 comes in from Mr. Baltz concerning him not being liable
11 for the account; and you read that in the dispute
12 reason, correct?

13 A. Yes.

14 Q. Okay. And he actually provides another name
15 for whose account it was, correct?

16 A. Yes, that is correct.

17 Q. Okay. So he -- he told Experian that the
18 account was Mary Patterson's and that he was either an
19 authorized user or he had been given a card, but he was
20 not liable on the account. Am I reading that dispute
21 reason correctly?

22 MS. SILVERMAN: Objection, that's -- I -- I
23 believe you are mis -- mischaracterizing the document,
24 but the witness can answer.

25 A. It appears to me that you would have

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1 interpreted the dispute reason correctly.

2 Q. (BY MR. LYONS) Okay. And when you say
3 "correctly," I'm assuming that you are saying that
4 that -- I'm reading it the same way that U.S. Bank -- or
5 that Experian would have read it when it processed the
6 ACDV?

7 MS. SILVERMAN: Objection, calls for
8 speculation.

9 A. When you summarize that the account belonged to
10 another individual -- his aunt, Mary Patterson -- and
11 that he was simply an authorized user or not liable for
12 making payment on the account, that's what I interpreted
13 your summary to be. And that's what I believe the
14 Experian agent at that time interpreted Mr. Baltz's
15 dispute to be.

16 Q. (BY MR. LYONS) Okay. And I thought that's --
17 we were all on the same page. So, now, given that
18 understanding, my -- my question before was: If this is
19 a dispute about liability and about ownership of the
20 account, doesn't Experian expect U.S. Bank to check the
21 application, find out if in fact Mr. Baltz is either a
22 signatory or an obligor on the account or simply an
23 authorized user?

24 MS. SILVERMAN: Objection, asked and
25 answered. Calls for speculation.

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1 A. You know, again, that could be one thing that
2 they could consult. There could be other documents.
3 I'm not really sure what any one document Experian would
4 have expected them to -- to turn to to answer or to
5 respond to this dispute.

6 MR. JOLSON: Mr. Scott, this is Matt
7 Jolson. I'm just going to interject for a second.
8 I'm -- I'm not going to intervene every time that
9 opposing or U.S. Bank counsel makes an objection. You
10 can go ahead and answer, unless I otherwise say you
11 can't, okay?

12 THE WITNESS: All right, Matt.

13 MR. JOLSON: Thanks.

14 Q. (BY MR. LYONS) Okay. So I think you said,
15 sir, that one of the tools that Experian would expect
16 them to use -- maybe not the only tool, but one tool
17 that would be available to them to review would be the
18 account application; is that correct?

19 MS. SILVERMAN: Objection, I don't think he
20 said that.

21 A. That could be one tool that they could turn to.
22 There may be others.

23 Q. (BY MR. LYONS) And are you aware of any
24 others?

25 A. Their internal records regarding the account

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1 itself, but, otherwise, no.

2 Q. Okay. Now, if I am reading this ACDV -- which
3 we have marked as Exhibit 1 -- correctly, the
4 information that is listed in the "On Profile" section
5 of the ACDV is the information that U.S. Bank is
6 currently reporting on this account related to John
7 Baltz; is that correct?

8 A. Yes, that's how the account would have appeared
9 on Mr. Baltz' Experian disclosure at the date of the
10 ACDV generation, 09/28/2010.

11 Q. Okay. And then to the left of that, in the
12 column under "Subscriber Response," is what U.S. Bank
13 responded to the ACDV -- to this ACDV or to the Exhibit
14 No. 1?

15 A. Yes. The data that appears under "Subscriber
16 Response," that is the new data that they have
17 instructed Experian to display for the account.

18 Q. All right. And did Experian or -- strike that.
19 Did U.S. Bank instruct Experian to update
20 any information concerning the account being in
21 bankruptcy?

22 A. I'm not sure I see any information regarding a
23 bankruptcy on this ACDV.

24 Q. Okay. And so is it safe to say that even under
25 the "On Profile" information, there's no information

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1 about bankruptcy?

2 A. Not that this ACDV would indicate.

3 Q. Okay. The update from U.S. Bank -- if you can
4 look at those fields -- can you tell me what information
5 they updated?

6 A. Yes, certainly. It appears that they requested
7 to update the account status. The code "05," that
8 indicates that it was transferred. They indicate a zero
9 balance and a "Balance Date" as of "10/05/2010"; an
10 "Original Delinquency Date" of "08/02/2005"; an account
11 "Closed Date" as of "01/31/2006"; and a "Special Comment
12 Code: O."

13 Q. Which means what?

14 A. I believe that goes back to a statement
15 indicating that the account was transferred.

16 Q. All right. And the "Payment Rating: L"; does
17 that mean charged off?

18 A. Yes, it does.

19 Q. Okay. And Experian consider the charged-off
20 account to be an adverse or negative trade line,
21 correct?

22 A. To a third party, maybe concerning Mr. Baltz
23 for employment or for a credit opportunity, that
24 charge-off could be -- or could appear to be a negative
25 factor.

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1 Q. You wouldn't want -- you wouldn't want a
2 charge-off on your credit report, right, sir?

3 MR. JOLSON: Objection.

4 A. Well, I personally would not want a charge-off,
5 no.

6 Q. (BY MR. LYONS) Because it's negative?

7 A. Because it may be negative to, like I said, a
8 third party trying to extend me credit.

9 Q. Okay. Thank you. Okay. So did U.S. Bank, in
10 response to this ACDV, instruct Experian to delete the
11 account from Mr. Baltz' credit profile?

12 A. No, the response requests Experian to modify
13 the account as indicated.

14 Q. And up above in the name and address data
15 field, the information on the left under "Consumer
16 Identification," is that the information that Mr. Baltz
17 had provided to Experian with his dispute?

18 A. Yes, that is correct.

19 Q. And the information on the right side then
20 where it says "Subscriber Consumer ID," that's the
21 information that was reported back by U.S. Bank; is that
22 correct?

23 A. Yes, that is correct.

24 Q. Okay. Now, did U.S. Bank provide the Social
25 Security number of Mr. Baltz in response to the ACDV

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1 that we have marked as Deposition Exhibit No. 1?

2 A. Well, on the right-hand side of the ACDV, under
3 the field "SSN Flag," it indicates that it's the "Same."
4 So my understanding of that field is that they verified
5 in their records that Mr. Baltz had the same Social
6 Security number as what we provided.

7 Q. But did they actually provide the numbers in
8 the field available under "Subscriber Consumer ID" that
9 we see on the right-hand side of the chart?

10 MS. SILVERMAN: Objection, lack of
11 foundation.

12 A. No. The Social Security number for Mr. Baltz
13 is not located on the field "SSN" under "Subscriber
14 Consumer ID."

15 Q. (BY MR. LYONS) And did they provide in the
16 field provided a date of birth for Mr. Baltz?

17 MS. SILVERMAN: Same objection.

18 A. No, it does not appear a date of birth was
19 given or verified. It states "Unknown" under the "DOB
20 Flag."

21 Q. (BY MR. LYONS) And the address information
22 that Mr. Baltz provided, was that verified or provided
23 by U.S. Bank?

24 MS. SILVERMAN: Same objection.

25 A. I'm not sure. When you say if that address is

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1 verified, I can state that U.S. Bank responded with a
2 different address than what we were provided from
3 Mr. Baltz.

4 Q. (BY MR. LYONS) Okay. So under the "Subscriber
5 Consumer ID" field, there is a "3088 Harwood F" in
6 "Deerfield Beach, Florida" address provided, correct?

7 A. Yes, provided by U.S. Bank.

8 Q. Okay. Which was different than the address
9 that Mr. Baltz had provided, correct?

10 A. That appears -- that appears to be the case,
11 yes.

12 Q. Okay. The field a little further down from the
13 zip code says "Account Name." Do you know what that
14 field represents?

15 A. I'm not really sure.

16 Q. Who would know that?

17 A. I suppose I could -- I suppose I could research
18 that, but it's not anything I have access to at the
19 time.

20 Q. And --

21 MR. JOLSON: A --

22 MR. LYONS: Go ahead.

23 MR. JOLSON: Thomas, this is Matt. If --
24 if you want to take a break and just have Jason review
25 that and answer on behalf of Experian, we can do that.

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1 MR. LYONS: Let's do that.
2 MR. JOLSON: Okay.
3 MR. LYONS: Thank you.
4 MR. JOLSON: Can we go off the record for a
5 second?

6 MR. LYONS: Sure.

7 (Off the record)

8 Q. (BY MR. LYONS) Mr. Scott, you have diligently
9 searched and have found the answer to what the field
10 "Account Name" means on Exhibit 1; is that correct?

11 A. Yes, that's correct.

12 Q. What does it mean?

13 A. The "Account Name" field represents AKA or also
14 known as names. These names generally appear on CDBs
15 and not ACDVs, is what I found out.

16 Q. Thank you. Below where you are looking at on
17 "Account Name," under "Trade Information," the "On
18 Profile" information that had been previously reported
19 by U.S. Bank showed the account as an individual
20 account; is that what the "1" under "On Profile"
21 represents in the "ECOA" field?

22 A. Yes, that is correct.

23 Q. All right. And then if you go down to the
24 "Open Date," it says "5/1/1988," correct?

25 A. Yes, sir, that is correct.

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1 Q. So reading those pieces of information together
2 on this ACDV, you would conclude, would you not, that
3 this was an individual account that was opened by
4 Mr. Baltz on May 1st, 1988?

5 MS. SILVERMAN: Objection, calls for
6 speculation. I'm not sure that's what the document
7 says.

8 A. Well, based purely on the ACDV, yes, it does
9 indicate that this is an individual account opened on
10 May 1st, 1988.

11 Q. (BY MR. LYONS) And is there -- are there any
12 other indications on the ACDV concerning information
13 provided by U.S. Bank that this is anyone else's account
14 other than John Baltz?

15 A. No.

16 Q. Thank you. U.S. Bank did not change or update
17 or modify the "ECOA" code in its response to the ACDV
18 that we've marked as Exhibit 1, correct?

19 A. Yes, that is correct.

20 Q. All right. Moreover, U.S. Bank did not update
21 the "Consumer Compliance Code" field on Exhibit 1,
22 correct?

23 A. That is correct. I do not see any consumer
24 compliance code.

25 Q. So this is -- as far as you can tell, it was

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1 not updated or marked as a disputed account by
2 U.S. Bank, correct?

3 A. Based on this ACDV, you are correct.

4 Q. Thank you. Okay. Let's set Exhibit 1 aside
5 and look at Exhibit No. 2, which I think has been marked
6 and presented to you.

7 MS. SILVERMAN: Can you identify that for
8 me? I'm sorry.

9 MR. LYONS: Sure. That's the investigation
10 results. It's a two-page document, Experian --

11 MS. SILVERMAN: The one that -- that's the
12 one that you faxed -- or that you emailed to me this
13 morning, right?

14 MR. LYONS: I believe so.

15 MS. SILVERMAN: Okay. Great. Thank you.

16 Q. (BY MR. LYONS) Mr. Scott, do you have that in
17 front of you?

18 A. I do.

19 Q. Okay. It should be Experian/Baltz Subpoena
20 Confidential 0066 and Page 0067 that we have marked as
21 Exhibit 2; is that correct?

22 A. Yes, sir, it is.

23 Q. Okay. And in response to Exhibit 1, Experian
24 then produced Exhibit 2, which is the investigation
25 results and sent that to Mr. Baltz; is that correct?

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1 A. Yes, sir, that is correct.

2 Q. Okay. And the first page of Exhibit 2 explains
3 to Mr. Baltz that the U.S. Bank trade line that he had
4 been disputing had been "Updated," correct?

5 A. Yes, that is correct.

6 Q. And "Updated" means that "A change was made to
7 this item; review this report to" -- "to view the
8 change. If ownership of the item was disputed, then it
9 was verified" it was -- "as belonging to you"; do you
10 see that?

11 A. Yes, sir, I do.

12 Q. All right. And when it says "it was verified
13 as belonging to you," who verified that?

14 A. That would have been verification from
15 U.S. Bank.

16 Q. Thank you. Now, turning to Page 2 of
17 Exhibit 2, this is the updated trade line for the
18 U.S. Bank item that was disputed by Mr. Baltz, correct?

19 A. Yes, that is correct.

20 Q. And this report date that we are looking at is
21 "October 5th, 2010," correct?

22 A. Yes, sir.

23 Q. All right. And this shows that U.S. Bank is
24 now reporting the trade line as "Individual," correct?

25 A. Yes.

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1 Q. Meaning that it is Mr. Baltz alone, correct?

2 A. Well, meaning -- yes, that's correct.

3 Q. All right. And that it was opened in May
4 of 1988, correct?

5 A. Yes.

6 Q. That it was discharged through a Chapter 7
7 Bankruptcy, correct?

8 A. Yes, that is -- the CDV -- or, I'm sorry, the
9 CDF does indicate that it was discharged through a
10 Chapter 7 Bankruptcy.

11 Q. And it has -- it has a recent balance as of
12 October of 2010 of zero?

13 A. Yes, that is correct.

14 Q. And it also indicates that U.S. Bank is
15 telling -- or is stating that the account was
16 transferred to another lender, correct?

17 A. Yes.

18 Q. All right. Do you know whether or not the
19 special comment code and the consumer compliant
20 condition code can be populated at the same time on an
21 Experian report that we are looking at like Exhibit 2?

22 A. Could you repeat the question, please?

23 Q. Sure. If a subscriber like U.S. Bank wanted to
24 populate both a special comment code and a consumer
25 compliance condition code, is there room on the report

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1 for both of those codes to be reported simultaneously?

2 MS. SILVERMAN: Objection. If you are
3 referring to Exhibit No. 2, that's an Experian document,
4 so I'm a little confused.

5 MR. JOLSON: I'm going to join that
6 objection and just ask for clarification.

7 Q. (BY MR. LYONS) Sure. Let's look back at
8 Deposition Exhibit No. 1. Mr. Scott, do you see that
9 there is a "Special Comment Code" field?

10 A. Yes.

11 Q. Under "Subscriber Response," correct?

12 A. Yes.

13 Q. And we talked about that "0," meaning that it
14 had been transferred to another lender?

15 A. Correct.

16 Q. Okay. Then below that is the "Consumer
17 Compliance Code"; do you see that?

18 A. I do.

19 Q. Okay. Now, there's nothing in that field --
20 U.S. Bank reported nothing, correct?

21 A. That's correct.

22 Q. But if they had -- if they had reported it as
23 disputed, what I'm asking you is if there are two codes
24 that are populated? Will both of those -- both of
25 that -- let me start over.

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1 Would both of those codes or their
2 information be populated on the second page of
3 Deposition Exhibit No. 2?

4 A. I'm not really sure.

5 Q. Who would you have to ask to find that out?

6 A. I could probably, again, refer to, you know,
7 internal documents. I can definitely go check on that
8 if that's something you need.

9 Q. All right. Let's -- let's put that on hold for
10 a minute, but I -- I do want to answer that question.

11 A. Sure.

12 Q. But let's continue for right now. All right.
13 Let's take a look at Deposition Exhibit No. 3. Do you
14 have that in front of you?

15 A. I do.

16 Q. Okay. And that is Experian Document 0068
17 through 0081, correct?

18 A. That is correct.

19 Q. All right. And can you tell me what Exhibit 3
20 is?

21 A. This would be an Experian disclosure for
22 Mr. John Baltz.

23 Q. Dated "November 17th, 2011"?

24 A. That's correct.

25 Q. Okay. And in reviewing Deposition Exhibit

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1 No. 3, can you find this U.S. Bank trade line that was
2 disputed by Mr. Baltz back in October of 2010?

3 A. Sure. One moment, let me review this. I have
4 located the account.

5 Q. And what page are you on?

6 A. Page 4 of 14.

7 Q. And that's Experian/Baltz Confidential Document
8 No. 0071, correct?

9 A. Yes, sir.

10 Q. All right. And the U.S. Bank trade line is the
11 second trade line appearing there, correct?

12 A. Yes, it is the bottom account on the page.

13 Q. All right. And it may be considered a negative
14 account, correct?

15 A. Yes, sir.

16 Q. All right. And it says that the responsibility
17 is individual, correct?

18 A. Yes.

19 Q. That it was opened in May of 1988, correct?

20 A. Yes.

21 Q. All right. Let's take a look at Deposition
22 Exhibit No. 4. Can you place that in front of yourself?

23 A. I have that.

24 Q. Thank you. And Deposition Exhibit No. 4
25 contains the Confidential Experian Documents 0092

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1 through 0109, correct?

2 A. Yes, sir.

3 Q. And what is Exhibit 4?

4 A. This would be an Experian disclosure for "Mary
5 Kay Patterson," dated "November 16th, 2011."

6 Q. Okay. And can you locate the bank account that
7 we have been discussing this morning in Deposition
8 Exhibit No. 4?

9 A. One moment, please. I have located that
10 account.

11 Q. And what page are you on?

12 A. Page 6 of 18.

13 Q. And that is Experian/Baltz Subpoena
14 Confidential, Bates No. 0097, correct?

15 A. Yes, that's correct.

16 Q. And on the page that I'm looking at, there are
17 two U.S. Bank trade lines. Can you tell me the one that
18 you are referring to?

19 A. Sure. That would be the second U.S. Bank
20 account in the middle of the page.

21 Q. All right. And it shows that that account was
22 opened in May of 1988; is that correct?

23 A. Yes, sir.

24 Q. And the responsibility on that is joint with
25 Patrick J. Baltz, correct?

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1 A. Yes, sir.

2 Q. Now, the information that is contained in this
3 trade line was provided by U.S. Bank; is that correct?

4 A. Yes, sir, that's correct.

5 Q. All right. And the information that we saw in
6 the -- in Exhibit 3 on Page 4 of 14 related to that
7 U.S. Bank account, that information was provided to
8 Experian by U.S. Bank; is that correct?

9 A. Yes, sir, that is correct.

10 Q. And would you agree with me that the
11 information concerning the responsibility is
12 inconsistent?

13 MS. SILVERMAN: Objection, calls for
14 speculation. Lack of foundation.

15 A. Well, I've got both pages in front of me and
16 there is different information being reported regarding
17 the account responsibility.

18 Q. (BY MR. LYONS) And is that information
19 inconsistent?

20 MS. SILVERMAN: Objection.

21 A. Yes, the reporting of the account
22 responsibility is consistent in between the two pages of
23 the disclosures.

24 Q. (BY MR. LYONS) Is consistent or inconsistent?
25 I'm sorry, you broke up.

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1 A. The two disclosures are inconsistent with one
2 another regarding the account responsibility.

3 MR. LYONS: Short of the outstanding
4 question about the population of those codes, I have no
5 further questions.

6 Now might be a good time to take a break
7 for a minute, Mr. Scott; and if you could find that
8 information out, I would really appreciate it.

9 THE WITNESS: Okay. And just to clarify
10 you want to know in the SCC and the CCC can display on
11 the -- the same time on the consumer's disclosure; is
12 that correct?

13 MR. LYONS: Correct.

14 THE WITNESS: Okay.

15 MR. JOLSON: All right. Can we clarify?
16 On the consumer's disclosure or on the ACDV?

17 THE REPORTER: Can you repeat that, please?
18 I didn't understand you.

19 MR. JOLSON: Yes, I was asking just for
20 clarification purposes of Mr. Lyons of -- if the SCC and
21 the CCC codes can populate at the same time on the ACDV,
22 meaning Exhibit 1, or the -- I think it was the credit
23 disclosure, meaning Exhibit 3?

24 THE WITNESS: Yes.

25 MR. LYONS: Actually --

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1 MS. SILVERMAN: Two.

2 MR. LYONS: -- Exhibit 2. So let's find

3 out if --

4 MR. JOLSON: Okay. Okay.

5 MR. LYONS: Let's see if it can be
6 populated on both.

7 THE WITNESS: All right.

8 MR. LYONS: Okay.

9 MR. JOLSON: Okay. Thank you.

10 MR. LYONS: Thank you.

11 (Recess taken)

12 RE-EXAMINATION

13 BY MR. LYONS:

14 Q. Mr. Scott, do you have an answer to the
15 question? Do you need it read back, or do you remember
16 it?

17 A. If I understand it differently, catch me. On
18 the ACDV, the SCC field and the CCC field are two
19 different fields. One is compliances; the second SCC
20 field is optional. So had U.S. Bank reported an SCC
21 code and a CCC code, then both of them would have
22 displayed on the CDF.

23 Q. Okay. So they both would be populated on
24 Exhibit No. 2?

25 A. Yes.

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1 MR. LYONS: Thank you. I have no further
2 questions.

3 MS. SILVERMAN: I just have two really
4 quick questions, Mr. Scott.

5 EXAMINATION

6 BY MS. SILVERMAN:

7 Q. Again, my name is Ellen Silverman; and I'm
8 representing U.S. Bank today. If you could turn your
9 attention, please, to Exhibit No. 3, which is Mr. Baltz'
10 credit report with Experian.

11 A. Sure.

12 Q. Thank you. My question is: Besides the
13 U.S. Bank account, there are three other accounts that
14 may be considered negative on his report; is that right?

15 A. Yes, that does appear to be the case. There's
16 a total of four potentially negative accounts.

17 Q. Thank you. And my last question for you is:
18 Looking at Exhibit No. 1, the ACDV --

19 A. Yes, ma'am.

20 Q. -- do you -- do you know what U.S. Bank did to
21 investigate before responding back to Equifax -- I mean,
22 Experian, sorry?

23 A. If your questioning about if I understand what
24 documents they may have looked at or what resources they
25 may have consulted, no, I don't know that.

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1 Q. Yes, that's what I was asking.

2 MS. SILVERMAN: Thank you. That's all I

3 have.

4 THE WITNESS: Okay.

5 MR. LYONS: Mr. Scott, this is Mr. Lyons --
6 unless, Matt, do you have any questions?

7 MR. JOLSON: No, sir, I do not.

8 RE-EXAMINATION

9 BY MR. LYONS:

10 Q. Mr. Scott, one follow-up concerning Deposition
11 Exhibit No. 3.

12 A. Yes, sir.

13 Q. Do you know whether or not the J. Graham &
14 Associates trade line is related to the U.S. Bank trade
15 line in the potentially negative section?

16 A. Well, the original creditor to the J. Graham &
17 Associates does not state U.S. Bank. The date open is
18 different. The amounts are different. Based on -- my
19 conclusion is, no, that they would not be the same.

20 MR. LYONS: Thank you. I have no further
21 questions.

22 (Deposition concluded at 11:11 a.m.)

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